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TRANSACTIONS  
OF THE  
ROYAL HISTORICAL SOCIETY



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le hant par la grace de dieu. due de la chaire de brabant & de limbourg & un ches douzant empire faizus saum  
a touz / que noz monz compent / a messs claires de hant et de bas / que li eschevins appertens ale count de  
hant que on dist le count de Flandre / le quel count est audit messs claires & le count en fief douzant  
de Flandre / qui püssent de son en dant ingier / fanchant si abant / qui dorent faire & ont fait anghement  
& qui en fiant sage en dant rapporte de leur ches / lin de Flandre / on l'ont estreit acointement & sont en  
dant a tous & tout ce qui ainsi ingierent en arant ingie de ce dont al fient sage en arant de leur ches / rappon  
tent nom Colons / qui sont tout femme / et estuble dore en dant a touz / pous / In mandon & comadons a nre  
batte de hant manrent pour le tous / a a touz ches / qui dorent / pour que les choses d'elles d'elles al fient  
& fissent / tout audit messs claires a ses pous & a ses / eschevins douzant lin pous & d'elles de pous &  
pous sans en fiant / en rependant pous le tinte / pous des amandes de sonz d'elles / sans qui p les eschevins  
d'elles messs claires / d'elles fiant a ly / pous le refonment de ces pous l'elles de nre / sans qui fient  
fiant / & d'elles ale d'elles le d'elles / apres la d'elles des apostles / lin de / pous & d'elles & d'elles

17

## FRONTISPIECE

Grant by John III., Duke of Brabant (1312-1355), to Sir Watier de Hanut for the lawful jurisdiction in the Court of Sombreffe of the *Echevins* of the same Court ; with reservation to the said Duke of a third part of the fines levied therein. La Vere, Tuesday after the Division of the Apostles, 1342. *Signed with the Duke's monogram.*<sup>1</sup>

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Jehans par la grace de dieu Duc de lotharingie de braibant et de lemborgh et Marchis dou saint empire faisons sauoir a touz que nous auons consenti a messire Watier de hanut chevalier nostre bon ameis, que li Eschevin apertenans a le court de hanut, que on dist le court de Sombreffe, laqueil court est au dit messire Wautier, et le tient en fief dou seingnor de sombreffe, quil puissent desore en avant iugier franchement si avant quil doiient faire et ont fait anchienement, et quil en seiront sage ou aront raporte de leur chief liu de sombreffe ou il ont esteit accoustumeit et sont encor daleir a sens, et tout ce quil ainsi iugeront ou aront iugie de ce dont il seront sage ou aront de leur chief rapourteit, nouz volons quil soit tenu ferme et estable dore en avant a tous jours. Si mandons et comandons a nostre baillie de hanut maintenant pour le tans, et a touz cheux qui avenir sont, que lez choses dessus dites il tiegnent et fachtent tenir audit messire wautier a ses hoirs et a ses Eschevins dou dit liu, presens et avenir, de point en point sans enfraindre, en reprendant por nous le tirche part des amendes desous diiz soulz qui par les eschevins dou dit messire Wautier adiugies seront a ly. Par le tesmoing de ces presentes lettres seelees de nostre seal qui furent faites et donnees a le vuere le Juesdy apres la Diuision des Aposteles lan de grace Mil CCC quarante et deuz.

*On the Dorse :* Pour lacourt de Hanuz quy doit venir au chieff al court de Sombreffe.<sup>2</sup>

<sup>1</sup> The original was presented to the Royal Historical Society by Nicholas Casimir, Baron de Bogoushefsky. It was formerly in the collection of the poet Goethe, and was obtained by the Baron from an aged friend and admirer of the great poet. This is one of the earliest known specimens of Royal Autographs.

<sup>2</sup> This endorsement has been written over in a later hand.



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*The Society as a body is not responsible for the opinions  
advanced in the following pages*

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# CONTENTS



	PAGE
PRESIDENTIAL ADDRESS. By the RIGHT HON. SIR MOUNT-STUART E. GRANT DUFF, G.C.S.I., PRESIDENT . . . .	I
SHAKESPEARE AS AN HISTORIAN. By HENRY ELLIOT MALDEN, M.A., VICE-PRESIDENT R.Hist.S. . . . .	23
THE PARLIAMENT OF LINCOLN, 1316. By ARTHUR HUGHES, B.A. . . . .	41
EARLY COLONIAL CONSTITUTIONS. By J. P. WALLIS . . . .	59
EARLY CHRISTIAN GEOGRAPHY. By C. RAYMOND BEAZLEY, M.A.	85
THE FOREIGN POLICY OF WILLIAM PITT IN THE FIRST DECADE OF HIS MINISTRY IN ITS EUROPEAN SIGNIFICANCE. By DR. FELIX SALOMON, Privat-Dozent in the University of Leipzig . . . . .	III
RICHARD THE REDELESS. By S. H. D. HOLTON, B.A. . . .	121
INDEX . . . . .	155
REPORT OF COUNCIL	
LIST OF FELLOWS	





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PRESIDENTIAL ADDRESS

BY THE RIGHT HONBLE. SIR MOUNTSTUART E. GRANT DUFF,  
G.C.S.I., President

WHEN I was reading for my degree at Oxford, I thought that the 'Politics' of Aristotle would be likely to interest me more than his 'Rhetoric,' which was then usually taken into the Schools with the inevitable and sacramental 'Ethics.' Few people read it in those days, and my desire to take it up was treated rather as a harmless eccentricity, in the spirit of the words 'Tiens, tu aimes ton mari ; c'est bizarre, pourtant ce n'est pas défendu.' This was in the year 1850, and I never returned to my old subject of study, after passing my examination, until, a few months ago, it occurred to me to read the book once again, and to see how it struck me after many years passed in politics and administration.

When I turned my mind in that direction, I soon found that far from being neglected as it used to be, it had attracted a great deal of attention in the last six-and-forty years, and that many men of high ability had done their best to elucidate its teaching from many different points of view. The first who did so in England was, I think, Mr. Eaton of Merton, who became at a later period Professor of Moral Philosophy, and the author of the 'Permanence of Christianity.' He

published an edition of the text in 1855. We may infer from a note on its first page that Mr. Eaton had a practical object in view, and this will be made clear to anyone who examines his extremely interesting and appropriate notes, full as they are of quotations from modern political works illustrative of his original.

The next in the field was Dr. Richard Congreve, who known in early life as a very distinguished tutor at Oxford, became later identified with a religious movement which has excited much interest. In 1856 Dr. Congreve published an edition of the 'Politics' with English notes, an Appendix of Essays, an Introduction, and a Preface, which last, interesting in various ways, was not least interesting from the frank and courageous manner in which, at a time when 'the real old bats of bigotry' were still very potent in our Universities, he advocated a more rational system of studying the classics.

He gives the 'Politics' a very high place, and his opinion is all the more valuable because he does not share in that rather childish idolatry of all things written in Greek or Latin which was then but too common on the banks of the Isis.

He does not hold that the 'Politics' presents 'any direct teaching for many of the subsequent periods of history,' but agrees with Comte in thinking that if the great kingdoms of Modern Europe are destined to break up, at no very distant period, into smaller wholes more analogous to the States of Greek experience, the work which embodied that experience would be resorted to for the light it sheds on the true principles of the strictly *political*, in the sense of city *organization*. It does not look just at present as if the world were going in that direction.

More important with reference to present needs is his observation :

'It is justly remarked by Auguste Comte that in the present prevalence of theories subversive of property and the family, and through them subversive of the whole social organization, men may refresh their convictions in favour of these institutions, and gain strength against their opponents,

from the careful study of Aristotle's remarks on the dangerous reveries of Plato, the philosophical originator of most of the social errors of our day.'

He goes on to say :

'I have treated of the primary intention and direct application of the "Politics." I have also touched on their historical interest and the degree to which the lessons contained in the work are now applicable. But I would not rest my advocacy of their study on these grounds alone, but strictly on the more definite one that they are the first great systematic work on Political Science, and that that Science, as every other, requires for its proper study that it should be studied historically, and traced from its origin downwards. By so doing we see the various problems arise, and are led to no fanciful, *à priori* reconstruction of society, but to watch its actual construction as the records of history reveal it to us. The easier problem precedes the harder, the simpler the more complex. Of course our first notions of politics will be derived from the state of things around us, in the midst of which we have grown up ; but the scientific correction of these first notions must be looked for elsewhere. It must be looked for in the study of the history of man, so far as it presents a connected series of events, combined with the study of the great works which at different periods have been written with the object of eliciting from past history and registering for future guidance its lessons on man and on society. Such works are but rare. There is no one before our own day comparable to that of Aristotle. In fact, since his time, the student of political science will find, with very few exceptions, more direct instruction in the works of the principal historians than in writers who have specifically treated of politics. This at least is the conclusion I have been led to form, so far as I have studied the works of later writers, and I have found nothing to modify it in the criticisms of others.'

A great impulse was given to the study of the 'Politics' in England by the publication in 1879, by Professor Suse-

mihl, of an edition which was the result of far more labour than any one that had previously seen the light. The number of persons who used it in England was, I dare say, not large ; but it taught the teachers, and without it none of the most important books which have since appeared on the same subject in this country would have ever seen the light. The learned editor would not have bestowed so much time upon a work which he did not esteem very highly, and we need not be surprised accordingly to find him using the following language :

‘At the time when the “Politics” was first made known to mediæval students, and for some centuries afterwards, the ground was not prepared for a due appreciation of it. It was only by degrees, as the development of the modern State went on, that the treatise began to be rightly understood, until at last even in its present incomplete and fragmentary condition we have learnt to recognise in it the richest and greatest contribution of antiquity, or, allowing for the difference of the times, perhaps the greatest of all the works we have upon political science. There is certainly no second work to be named in this field of enquiry, which in a like degree displays the rare combination of statesmanlike intellect, a scholar’s acquaintance with history, and the observation of a man of science, with the philosopher’s systematic arrangement of phenomena and keen penetration into their inmost nature.’

I quote Mr. Hicks’s translation contained in the first volume of the gigantic work now in course of publication by him, which combines the latest views of the eminent Professor of Greifswald with those of his English collaborator.

Mr. Welldon gave us in 1883 a careful rendering of the ‘Politics’ in a very convenient shape—one better adapted to the use of the reader who merely wants to have a general idea of Aristotle’s way of thinking about the organization of States, than some larger works which soon followed it.

In 1885 appeared the long-expected translation by the late Master of Balliol, Regius Professor of Greek in the University of Oxford, which had occupied the leisure of its



distinguished author for some fifteen years. It was intended that the second volume should be completed by a number of Essays, which however never appeared; but in the first volume there is a long and most careful 'Introduction,' from which we may gather pretty fairly what the general drift of the Essays would have been.

Professor Jowett hardly makes such high claims for Aristotle as some of his predecessors. He was evidently much impressed with the exceedingly questionable and imperfect shape in which the 'Politics' have come down to us. Nevertheless he rates the work very high.

He says:

'The great charm of the writing of Plato and Aristotle is that they are original. They contain the first thoughts of men respecting problems which will always continue to interest them. Their thoughts have become a part of our thoughts, and enter imperceptibly into the speculations of modern writers on the same subjects, but with a difference. The Ionian and Eleatic philosophers who preceded them were eclipsed in the brightness of their successors; they had not yet reached the stage of ethics or politics, and were little known to the ancients themselves. The ethical teaching of Socrates has been preserved, and not been preserved; that is to say, it does not exist in any definite form or system. To us, therefore, Plato and Aristotle are the beginnings of philosophy. In reading them the reflection is often forced upon us: How little have we added except what has been gained by a greater experience of history! Some things have come down to us with

Better opinion, better confirmation;

they have acquired authority from age and use. But there are other truths of ancient political philosophy which we have forgotten, or which have degenerated into truisms. Like the memories of childhood they are easily revived, and there is no form in which they so naturally come back to us as that in which they were first presented to mankind.

‘For example, during the last century enlightened philosophers have been fond of repeating that the State is only a machine for the protection of life and property. But the ancients taught a nobler lesson, that ethics and politics are inseparable; that we must not do evil in order to gain power; and that the justice of the State and the justice of the individual are the same. The older lesson has survived; the newer is seen to have only a partial and relative truth. So for the liberty, equality, and fraternity of the French Revolution we are beginning to substitute the idea of law and order; we acknowledge that the best form of government is that which is most permanent, and that freedom of the individual when carried to an extreme is suicidal. But these are truths which may be found in Aristotle’s “Politics.” Thus to the old we revert for some of our latest political lessons. The idealism of Plato is always returning upon us, as a dream of the future; the “Politics” of Aristotle continue to have a practical relation to our own times.’

Notwithstanding this very high praise, Professor Jowett’s ‘Introduction’ may be perhaps most profitably read for the criticisms, which as a shrewd man of the world he was obliged to make, upon the doctrines of Aristotle. Numerous examples of these will be found in his pages, as where he observes, ‘the liveliness of the image is purchased at the cost of a certain amount of error.’ ‘Although Aristotle contemptuously says of Plato, “this is to use poetical metaphors,” he is himself often under the influence of language borrowed from sense.’ Or again, ‘we are also struck with the meagreness of Aristotle’s information and the feebleness of some of his judgments.’

Professor Jowett’s book was almost immediately followed by another most careful study of the ‘Politics’ by a younger member of the same college, Mr. W. L. Newman, which appeared in 1887.

The object of his elaborate work is, as he himself tells us, to discover how the political teaching of Aristotle is connected with the central principles of his philosophical system, and in



what way it has been influenced by earlier speculation. Mr. Newman has endeavoured more especially to trace its relation to the political teaching of Plato and Isocrates. He considers the 'Politics' as virtually the closing word or almost the closing word of a debate begun by Pythagoras and the Sophists, and continued by Socrates and Xenophon, as well as by the great philosopher and the great orator whom I have just mentioned. The views of Aristotle were, he justly observes, the outcome of more than a century and a half of discussion.

Such being the avowed intention of the author, we have a right to expect from the labours of so gifted a scholar any number of side-lights upon Greek thought and History, and we are certainly not disappointed. On the other hand, the plan of Mr. Newman's book does not naturally lead him to enquire what, after eliminating all matters of merely historical, or antiquarian, or speculative interest, is the residuum to be found in the 'Politics' of Aristotle which may help the modern statesman to take a wider or clearer view of the problems with which he has to deal.

Philosophers and scholars have done their part when they have made it easy for politicians to answer that question for themselves ; but no politician has, so far as I know, cared to do so. The nearest approach to an exception is to be found in the work of M. Barthélemy St. Hilaire, who in 1848 translated the book, and prefixed to it a very long and interesting dissertation. In those days, however, although already a representative of the people, he had had none of the experience which made him in his old age one of the wisest statesmen in France. His dissertation is the work not of a politician but of a philosopher. He begins by the panegyric of the dowager revolution, which was in the year of revolutions almost obligatory, and assures his readers that the declaration of the rights of man was the *résumé* of all political science, and that the Constituent Assembly had known more than all the sages that had preceded it, because it had known how to profit by their lessons.

Of these philosophers the greatest were Plato, the founder

of ethics, Aristotle, the organiser of science, and Montesquieu, the most sagacious interpreter of laws. After them and on a lower plane he places Polybius and Cicero in antiquity, Machiavel in the dawn of modern history, Hobbes and Spinoza in the seventeenth century, and Rousseau in the eighteenth.

Next follows a long eulogium on Plato, whom he puts as a moralist far above Aristotle, his account of whom he begins by saying :

‘When we pass from Plato to his disciple we must descend. However great Aristotle was, he was far below his master, for the first preferred to contemplate conscience rather than society, the second, society rather than conscience ; in one word, Plato was essentially philosophical, Aristotle essentially historical.’

All this does not prevent him giving very great praise to the Author of the ‘Politics’ for his refutation of some errors of his Master which have kept cropping up through all the ages, and are now the stock-in-trade of the socialists, minus the poetical atmosphere by which Plato surrounds them, and plus much envy, hatred, malice, and all uncharitableness. He brings out very well the fact that Aristotle was the earliest political economist, and goes so far as to say that the only serious mistake in the ‘Politics’ is Aristotle’s theory of slavery ; he even praises his style, which the professional scholars who have given most attention to it would, I think, hardly do. Nevertheless, as I have already said, he puts Plato above him, preferring the master who interrogated his own lofty thoughts to the disciple who interrogated facts. I wonder if he would have continued to do so to the end of his long life. He died at ninety-one. The ring of his dissertation strikes me as very different from that of the allocution—for he conversed by allocutions—which my old friend made to me a week or two before his death upon contemporary politics, upon the Franco-Russian alliance, upon the state of French finance, and the general aspect of affairs. There was no wandering in the realms

of the ideal, no dreams ; it was all clear, measured, based on incontrovertible facts.

After re-reading the 'Politics' with such light as I could obtain from the works I have enumerated, I asked myself what place this famous treatise ought to take in the education of a man who wished to enter public life with all the chances. Dr. Congreve and many others would say 'politics is a science, and like other sciences should be studied historically. Aristotle's is the first great book upon the science of politics, and we should accordingly begin with that.' I wonder if this view is correct. Supposing a man wanted to study Botany would he begin say with the work of Theophrastus, and read all the great books on the subject down to our own times ; or, putting the ancient world on one side, would he begin say with the 'Herbarius' of 1486, the first botanical work ever printed ? Would he not rather begin with the best and most modern manual on which he could lay his hand, supplementing his reading by field botanizing, if he wished to devote himself to systematic botany, or by work in the laboratory if he cared only for the physiology of plants ? When he had made some progress in the science, he would probably look back with great interest at what the Ancients and early Moderns had done ; but merely as a recreation, and with a view to indulge a liberal and laudable curiosity. Ought not the study of politics to be commenced somewhat in the same way ? Is there really much light to be gained from a book written, like the 'Politics' of Aristotle, under circumstances so entirely different from any that we see around us ? I much doubt it ; but the question then arises : Is there any book that fulfils the same function with regard to politics, which is fulfilled by the excellent handbooks of botany or geology or any of the sciences of observation, that can be purchased at any moment ? I certainly know of none such ; and if nothing of the kind exists, is it not because there is not yet, whatever there may be one day, any science of politics ? There are a vast number of important facts connected with politics which are universally admitted. There are a great



many maxims which would be generally admitted by most men who have had large experience of them, and had had time to reflect upon what they had seen or done ; but even in this year 1896 there is not, so far as I can see, a science of politics, a body of systematic and accepted knowledge. I am inclined to think that the best preparation for a political career, over and above the involuntary preparation which every man gets by growing up under the influences of his time and country, would be to have studied a great collection of the best political maxims, not merely by reading and accepting them, but by discussing them on paper and accepting or rejecting them as the case might be, with the help of a large interrogation of history. I think that would take a student further than the most conscientious reading of all the authors whom M. Barthélemy St. Hilaire mentions. If a young man can be entrusted, to ever so small an extent, with the actual transaction of public business, while he is still studying the theory of politics, so much the better. That however is a piece of good luck which cannot come save to a few. I wonder, however, that no one has put together a volume of political maxims for these fortunate ones and all others, or if anyone has done so, that it should not be better known.

To a collection of this kind the contribution made by Aristotle in the 'Politics' would be a respectable one ; and I may just observe in passing that it is only fair to remember that Aristotle, like all the best ancient writers upon any art or science whatever, has one tremendous disadvantage. A very large proportion of the truest things he has said have become part and parcel of our minds. We cannot give him proper credit for them just because, by saying them when and how he did, he made them the common inheritance of all men who take any sort of interest in the subject with which he dealt. Let me then cite the passages which struck me, in re-reading the book in Professor Jowett's translation, as those which bear most upon the questions of our own day or of the near future.

Very early in Book i. we have the remark ; 'Such a

quality exists in living creatures, but not in them only. It originated in the Constitution of the Universe.'

That observation immediately follows one with which all modern authorities would disagree, when it is pushed, as Aristotle pushes it, to the extent of defending slavery, but which, when rightly interpreted, is the key to all success in public and private business—'For that some should rule and others be ruled is a thing not only necessary but expedient; from the hour of their birth, some are marked out for subjection, others for rule.'

Not the least mischievous among the Will o' the Wisps of our time is the passion for equality in a world of which inequality is perhaps the most distinguishing characteristic. That passion has however its legitimate objects, as we all know, and a wise legislator must bear this truth in mind. I have, however, as I have elsewhere mentioned, heard a Frenchman, and a highly educated Frenchman too, say in so many words: 'I prefer equality to liberty, and the worst possible Republic to the best possible Constitutional Government.' That is the kind of folly which led Lichtenberg to remark, at a moment when these ideas were much to the front: 'to establish such freedom and equality as is now talked about, is to promulgate an eleventh commandment by which all the ten others will be abolished.' Aristotle, however, entirely avoids both extremes. He sees that equality has its proper place in the State, he sees also that its place is a clearly defined one, beyond which it must not pass. He remarks:

'Democracy arises out of the notion that those who are equal in any respect are equal in all respects—because men are equally free, they claim to be absolutely equal. Oligarchy is based on the notion that those who are unequal in one respect are in all respects unequal—being unequal in property they suppose themselves to be unequal absolutely.'<sup>1</sup>

It would be very difficult to put more neatly and tersely the distinction between socialism in the bad sense and what

<sup>1</sup> Book v. chapter i.

sensible men mean when they say: 'In a certain sense all good people are socialists.'

'Property should be in a certain sense common, but as a general rule, private, for, when every one has a distinct interest, men will not complain of one another, and they will make more progress, because every one will be attending to his own business. And yet among the good, and in respect of use, "friends," as the proverb says, "will have all things common."'<sup>1</sup>

'It is clearly better that property should be private, but the use of it common; and the special business of the legislator is to create in men this benevolent disposition. Again, how immeasurably greater is the pleasure when a man feels a thing to be his own; for the love of self is a feeling implanted by nature, and not given in vain, although selfishness is rightly censured; this, however, is not the mere love of self, but the love of self in excess.'<sup>2</sup>

'Legislation,' that is communistic legislation, 'may have a specious appearance of benevolence; men readily listen to it, and are easily induced to believe that in some wonderful manner everybody will become everybody's friend, especially when some one is heard denouncing the evils now existing in states, suits about contracts, convictions for perjury, flatteries of rich men and the like, which are said to arise out of the possession of private property. These evils, however, are due to a very different cause—the wickedness of human nature.'<sup>3</sup>

The following sentence disposes very well of the famous phrase about the wisdom of our ancestors:

'The primeval inhabitants, whether they were born of the earth or were the survivors of some destruction, may be supposed to have been no better than ordinary foolish people among ourselves.'<sup>4</sup>

What a vast amount of misery would have been saved to the human race, if the following two sentences had been marked, learned, and inwardly digested:

'He who is rich in coin may often be in want of necessary

<sup>1</sup> Book ii. chapter v.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

<sup>4</sup> Book ii. chapter viii.



food. But how can that be wealth of which a man may have a great abundance and yet perish with hunger, like Midas in the fable, whose insatiable prayer turned everything that was set before him into gold?'<sup>1</sup>

In the year 1878 a very interesting discussion on the question: 'Is the popular judgment on politics more just than that of the higher orders?' appeared in the 'Nineteenth Century,' and was carried on between Lord Arthur Russell, Mr. R. H. Hutton, Mr. Gladstone, Mr. Frederic Harrison, Mr. Lowe, Mr. W. R. Greg, and others. In the course of it Mr. Lowe quoted and opposed what he described as the hesitating opinion of Aristotle, when he says: 'that the multitude ought to be more powerful than the best is perhaps true;' or as Professor Jowett translates it, 'the principle that the multitude ought to be supreme, rather than the few best, is capable of a satisfactory explanation, and, though not free from difficulty, yet seems to contain an element of truth.'

Mr. Lowe says:

'Had this dictum proceeded from anyone except the author of logic himself, I should have said that it was an instance of the fallacy of composition, of joining together that which ought to be kept separate; but I do not doubt that the fallacy has its effect, and that many people are perhaps unconsciously induced to believe that there is something more in the agreement of a number of persons assembled together than there is in the opinion of each taken separately. The human mind is overwhelmed with great numbers, as it is with the phenomena of nature, and is content to cry "*Vox populi vox Dei*," in deference to numbers, to the opinion of each unit of which it would pay no respect whatever. Plato, on the other hand, tells us that the greatest of sophists and misleaders are the people of Athens (who were at least as clever as the people of England) when they in their Assembly made the Pnyx and the rocks re-echo to their clamours.'

Aristotle's discussion of the subject is too long to quote as a whole, but I may quote two passages:

<sup>1</sup> Book i. chapter ix.



‘When they (that is the commonalty) meet together, their perceptions are quite good, and combined with the better class they are useful to the state (just as impure food when mixed with what is pure sometimes makes the entire mass more wholesome than a small quantity of the pure would be), but each individual, left to himself, forms an imperfect judgment.’<sup>1</sup>

And again :

‘If the people are not utterly degraded, although individually they may be worse judges than those who have special knowledge, as a body they are as good or better. Moreover, there are some artists whose works are judged of solely, or in the best manner, not by themselves, but by those who do not possess the art ; for example, the knowledge of the house is not limited to the builder only ; the user, or, in other words, the master, of the house will even be a better judge than the builder, just as the pilot will judge better of a rudder than the carpenter, and the guest will judge better of a feast than the cook.’<sup>2</sup>

It is a great pity that it did not occur to Aristotle to point out that the real answer to the question as to whether the best or the multitude form the wisest judgment on the politics of the day, wholly depends on the answer that can be given to the question, ‘Which of the two is, for the time being, most teachable by the *very* best, by that fraction of the population which, in all times and in all countries, has had, has and will have, a right to lead, simply because its views are most in accordance with the truth of things?’ Sometimes the people will hear its voice gladly, while the upper classes are deaf to it—sometimes it will be the other way ; but the true rulers, the uncrowned kings, should invariably be those

Who wave their sceptre o’er their kind  
By nature’s first, best title—mind.

While, however, we must regret that Aristotle left himself open to the objection urged by Mr. Lowe in the paper to

<sup>1</sup> Book iii. chapter ii.

<sup>2</sup> *Ibid.*

which I have just referred, no one could justly accuse him of entertaining any illusions, such as have in modern times gathered round the name of democracy. Like Sir Henry Maine, he considered it merely a form of Government with its faults and its merits, but in no way as something exceptional or divine. He says :

‘It is manifest that the best political community is formed by citizens of the middle-class, and that those states are likely to be well administered, in which the middle-class is large, and larger if possible than both the other classes, or at any rate than either singly ; for the addition of the middle-class turns the scale, and prevents either of the extremes from being dominant.’<sup>1</sup>

Compare also his words :

‘Oligarchy or democracy, although a departure from the most perfect form, may yet be a good enough Government, but if anyone attempts to push the principles of either to an extreme, he will begin by spoiling the Government, and end by having none at all.’<sup>2</sup>

Somewhat further on he shows how little he really believed in the plenary inspiration of the multitude by the words : ‘No ordinary man can discern the beginning of evil, but only the true statesman.’<sup>3</sup>

Turning to another subject I may point out that one of Aristotle’s acutest remarks occurs in Book v. chapter iv. : ‘In revolutions the occasions may be trifling, but great interests are at stake.’ He says too :

‘We should put an end to the quarrels of chiefs and mighty men. The mistake lies in the beginning, as the proverb says : “Well begun is half done,” so an error at the beginning, though quite small, has the proportion of a half to the whole matter.’<sup>4</sup>

The following sentence is one of which we in England have an illustration always before our eyes :

‘Royalty is preserved by the limitations of its powers.

<sup>1</sup> Book iv. chapter xi.

<sup>3</sup> Book v. chapter viii.

<sup>2</sup> Book v. chapter ix.

<sup>4</sup> Book v. chapter iv.

The more restricted the functions of kings, the longer their power will last unimpaired, for then they are more moderate and not so despotic in their ways ; and they are less envied by their subjects.'<sup>1</sup>

And here is another which has, *mutatis mutandis*, been copied without knowing it by many an Indian civilian :

'Formerly in many states there was a law forbidding anyone to sell his original allotment of land. There is a similar law attributed to Oxylus, which is to the effect that there should be a certain portion of every man's property on which he could not borrow money.'

The following observation is one which might with great advantage be pondered in some states of the Old, and in many of the New World :

'The people do not take any great offence at being kept out of the Government, indeed they are rather pleased than otherwise at having leisure for their private business ; but what irritates them is to think that their rulers are stealing the public money ; then they are doubly annoyed ; for they lose both honour and profit.'<sup>2</sup>

A well-known legal luminary of our own day, now dead, used to maintain, only of course half seriously, that retired judges should be made bishops. I do not remember that I ever heard him appeal to Aristotle in support of his opinion ; but he might have done so, for in Book vii. chapter ix. we find the following :

'Now since the body of the citizens is divided into two classes, the warriors and the councillors, and it is befitting that the worship of the gods should be duly performed, and also a rest provided in their service for those who from age have given up active life, to the old men of these two classes should be assigned the duties of the priesthood.'

I never, by the way, heard the personage I have alluded to urge in support of his contention a great and famous precedent, for the immediate successor of Gregory of

<sup>1</sup> Book v. chapter xi.

<sup>2</sup> Book v. chapter viii.



Nazianzus was Nectarius, a Councillor, who, to the best of my recollection, had not even been baptized.

Very shrewd are many of Aristotle's observations about tyrants and their ways. Here is one that has been illustrated in our own times by one who was the exact modern equivalent of the Greek 'tyrant':

'The tyrant is also fond of making war in order that his subjects may have something to do, and be always in want of a leader.'<sup>1</sup>

And here is one the latter part of which might well be reflected on by any contemporary ruler, if such there be, whose religion and relations to the Immortal Gods may be such as to excite the amusement of his subjects:

'He should appear to be particularly earnest in the service of the Gods; for if men think that a ruler is religious, and has a reverence for the Gods, they are less afraid of suffering injustice at his hands, and they are less disposed to conspire against him, because they believe him to have the very Gods fighting on his side. At the same time his religion must not be thought foolish.'<sup>2</sup>

Here again are two remarks well worthy of consideration in this age of rampant athleticism:

'Leisure is better than occupation; and therefore the question must be asked in good earnest, what ought we to do when at leisure? Clearly we ought not to be amusing ourselves, for then amusement would be the end of life.'<sup>3</sup>

'Of those states which in our own day seem to take the greatest care of children, some aim at producing in them an athletic habit, but they only injure their forms and stunt their growth. Although the Lacedæmonians have not fallen into this mistake, yet they brutalize their children by laborious exercises which they think will make them courageous.'

'And parents who devote their children to gymnastics, while they neglect their necessary education, in reality vulgarize them; for they make them useful to the state in

<sup>1</sup> Book v. chapter xi.

<sup>2</sup> *Ibid.*

<sup>3</sup> Book viii. chapter iii.

one quality only, and even in this the argument proves them to be inferior to others.'<sup>1</sup>

There is a very interesting passage in an article in the February number of the 'Forum' by Professor C. E. Norton, which shows what a curse the abuse of athleticism is becoming in the United States :

'The manners and morals displayed in inter-collegiate contests in athletic sports in all parts of the country fall little short of a national disgrace, for they result not only from the character of the contestants, but from that of the community at large from which they are drawn, and which encourages the barbaric instincts of youth by its indifference to fair play, and by the excess of its hysteric applause of victory won by any means, fair or foul. The inter-collegiate game has become an evil not only in college life, but in the life of the nation itself ; for there is nothing of higher import in that life than the cherishing of the sense of honour and of the sanctity of honesty in all competitions. The wholesome and honourable practice of athletic sports is one of the most important elements in the education of youth. The practice of them, not for the sake of their true ends, the development of manly and vigorous health, but for the sake of unhealthy excitement, and of getting the advantage of opponents by concealment, fraud or violence, if it cannot be won by legitimate means, is simply a source of moral corruption.'

The following touches upon a matter with regard to which the Americans have been wiser than we, and which one of these days may become a prominent and dangerous subject of discussion in this country :

'Laws are not to be confounded with the principles of the Constitution ; they are the rules according to which the magistrates should administer the State, and proceed against offenders.'<sup>2</sup>

I have marked some other passages which have more or less of a modern application, but I pass on to what is really the crowning glory of Aristotle as a political thinker—to his

<sup>1</sup> Book viii. chapter iv.

<sup>2</sup> Book iv. chapter i.

conception of the real object of the State. He says, with admirable sagacity :

‘Neither should men study war with a view to the enslavement of those who do not deserve to be enslaved ; but first of all they should provide against their own enslavement, and in the second place obtain Empire for the good of the governed, and not for the sake of exercising a general despotism, and in the third place they should seek to be masters only over those who deserve to be slaves. Facts, as well as arguments, prove that the legislator should direct all his military and other measures to the provision of leisure and the establishment of peace.’<sup>1</sup>

And again a little further on :

‘Many commend the Lacedæmonian constitution, and praise the legislator for making conquest and war his sole aim, —a doctrine which may be refuted by argument, and has long been refuted by facts.’<sup>2</sup>

Mr. W. L. Newman, to whose excellent work I have already referred, says extremely well :

The State exists, according to Aristotle, for the sake of that kind of life which is the end of man—not for the increase of its population, or wealth, or (necessarily at all events) for empire, or the extension of its influence. It exists for the exercise of the qualities which make men good husbands, fathers, and heads of households, good soldiers and citizens, good men of science and philosophers. When the State by its education and laws, written and unwritten, succeeds in evoking and maintaining in vigorous activity a life rich in noble aims and deeds, then and not till then has it fully attained the end for which it exists. The ideal State is that which adds to adequate material advantages the noblest gifts of intellect and character, and the will to live for their exercise in every relation of life, and whose education, institutions, and law are such as to develop these gifts, and to call them into full play.

‘This is the social and political ideal of Aristotle, broadly

<sup>1</sup> Book vii. chapter xiv.

<sup>2</sup> *Ibid.*

stated and stripped of detail. We need not trouble ourselves here about the organization by which he thinks that the end of the State is best attained. His conceptions on this subject are affected by the inevitable imperfection of the experience of his race and time.'

Aristotle's ideal is still the ideal of the best and wisest Statesmen; but lest Platonist dreams of short cuts to that ideal should intrude upon and disturb his mind, the Statesman must keep ever before it the reflection that the State can do very little directly to bring about some of its own best aims. It must be content to see those aims worked out by individuals and by corporations, over which it exercises but little control, save by preventing them clashing with each other or interfering with those things which it can do better than any other agency. Sometimes the bent of opinion has been in favour of unduly restricting the direct action of the State, now it is all the other way—the craze of the hour is to expect the State to give everybody everything. That is a vain and mischievous delusion, but it has looked sometimes during the last few years as if its folly would be hardly made clear to the multitude until we had met with some grave social disaster.

Still the idea of Aristotle remains great and noble. The most enlightened classes in the most enlightened nations have not, after the lapse of much more than two thousand years, got beyond it; while large sections of population will hardly attain to it in many parts of Europe for a century or two to come. On the whole, however, while I cannot deny that the art of politics should be studied historically by those who desire to obtain the fullest grasp of it, there seems to me less to be gained from so great and famous a book as the one we are considering than my vague recollections of it would have led me to believe, before I began to examine it for the special purpose I have kept before me this afternoon. This is no reflection on the unique greatness of Aristotle, wonderful alike for his vast range and for the amount of power which he brought to bear upon



each of the very dissimilar subjects which he treated. The amount of accumulated experience was however far too small to enable anyone, in those far-distant days, to write a book upon politics which could be of much enduring value. Even to Aristotle's pupil, Alexander, the struggles of the Greek States came to appear ludicrously trifling. The whole scale, and not only the scale, but the course and disposition of things, is so entirely altered now, that the amount of dry light to be obtained by the modern politician, even from contact with a mind so great as that of the 'Master of those who know,' is less than that which is to be gathered from the incidental utterances of men incomparably his inferiors, who stand nearer to our times.

A friend once wrote to me:

'The fact is mankind has lived now so long, that there is not one question, political, social, or religious, that has not come up before, in one form or another, at one time or another, among one portion or other of the race, and received the judgment of history upon it. Know this, take your question and turn on it the strong side-lights of historical analysis, and the discoveries you may make will be surprising.'

The solution of these problems, which have commended themselves to men of affairs and to men who have reflected wisely on affairs, are generally to be found scattered up and down in speeches, in letters, in despatches, sometimes in set treatises like the 'Testament de Richelieu,' or Burke's 'Reflections on the French Revolution,' and, as I have said before he would do a good deed who made a collection of them.

*That* I am convinced is the true method of studying politics. The careful getting up of systematic treatises, even by the greatest men, will help the student very little, however interesting it may be to turn to them from time to time to see what light is thrown upon particular points by those who have deservedly obtained credit, each in his own age, or in that which immediately succeeded it, for understanding the world in which he was living.

When a sensible man, let alone a man of genius, gives us

tersely the result of his own experience in public affairs, we have nothing for him but gratitude. When a philosopher however great involves us in logomachies however ingenious, at a moment when we want practical guidance, the impulse is to deplore the cruel fate which prevents our voting for the hemlock.

## SHAKESPEARE AS AN HISTORIAN.

BY HENRY ELLIOT MALDEN, M.A., V.-P. R.HIST.S.

THERE is an advantage in dealing with such a subject as this, which may counterbalance the disadvantages under which a writer labours who ventures to bring forward 'common saws and modern instances,' in place of that serious investigation of obscure historical facts, or that review of the social questions of the past, which have honourably distinguished the last few years of the Society's labours. On such a familiar topic a brief treatment of a large matter is possible. There is no need to quote many examples, or passages at length, when the mere mention of the name of a character will commonly recall at once how he and his actions have been presented upon the stage by Shakespeare :

I only speak right on ;  
I tell you that which you yourselves do know.

The text, and the outline of a commentary are sufficient ; to be filled in at leisure by any educated reader of English.

But it is necessary to define, at the outset, what is meant here by Shakespeare. Under the name are included all the plays published in the first Folio of 1623. Of course these are not all Shakespeare's in their entirety. 'Henry VI.' Part I. can be very slightly his at all, and the different historical treatment in this compared with other plays is one argument that it is not his. Shakespeare follows Holinshed generally for details, and alters history after a method, and with an object. The writer of this play followed Hall, and his own imagination, and altered facts with no purpose or

method. 'Henry VI.' Parts II. and III. are obviously not Shakespeare's all through, though what was becoming the master hand is visible in certain scenes and characters. 'King John' is closely founded upon a previously existing play, though nearly all the merit of the present play is Shakespeare's. 'Henry VIII.' is clearly the work of more than one writer, and one of the writers is pretty clearly Fletcher. But we may search Fletcher, with or without Beaumont's aid, through and through, without finding a woman to equal Queen Katharine, or an ironic treatment of a great king to equal that of the real Henry VIII. of this play.

These plays, and others not directly dealing with English history, passed at all events under Shakespeare's hand, and were finally accepted by his friends as his, and as embodying his view of the dramatic side of history. Some of the alterations, introduced by him, were calculated not only to make the plays better as dramatic poetry, but also to ensure the more just presentment of certain characters, as that of 'Henry VI.,' for example.<sup>1</sup>

But even were we to adopt the extravagant view that this particular native of Stratford-upon-Avon had nothing whatever to do with the plays bearing his name, the main purpose of this paper might be equally fulfilled, the consideration, to wit, of how these Elizabethan and Jacobean dramas illustrate the history of the times of which they treat, and of the times in which they were written. They have their value for both purposes.

No one seriously propounds Shakespeare as a good historical authority on the details of the reigns of Lancastrian kings, far less upon those of King John's reign, far less upon Roman history. But he is, nevertheless, in practical possession of an important place as an authority, not of course among scholars, but in the world. If not an authority for

<sup>1</sup> Henry's want of initiative in failing to knight Iden till Buckingham plucks his sleeve and suggests it; his pious reflection on the impiety of the pretended miracle at St. Albans; and while he attributes the apprentice's victory over his master to God's justice, York's attribution of it to the master's drunkenness, are touches in the revised play only.



facts, he is an authority in fact. The Royal Historical Society is not called upon to criticise any popular history which may happen to gain the public attention, but our functions may include the consideration of a writer who has held the public attention for three hundred years, and who, a few generations back, was all-sufficient for ordinary folks. It is probably not too bold an assertion to say that the better educated politicians of England, from Charles I. himself down to those who could read Hume, gained more of their ideas of parts of English history from Shakespeare than from anybody else. Less learned politicians, and most women who read, probably continued to do so down to the publication of Mr. Green's 'Short History.' And there are reasons why Shakespeare deserved his pre-eminence.

Books have been divided into two classes; those which we read and do not respect, and those which we respect but do not read. Shakespeare combines the features of both classes. He at all events is read, while some learned and philosophic historians are never read, but only dug into. His resulting influence on early education, and in all cultivated circles, is not to be deplored at all, for he makes history live; and this is an object most important, and most hard to accomplish in teaching. Everybody will assent to the abstract proposition that Henry V. was once really alive upon the earth, but fewer people by far will so really understand the truth as to think of him as a man, and not as that vague abstraction, an historical character. Young people never take any interest to speak of in history, nor understand it at all, till they come to realise the life of the characters, to know that they are like the people who walk in the streets now. To awaken this intelligent perception is no small service to the cause of historical study, and if in doing it Shakespeare makes mistakes without measure, these really matter very little. The blunders, or omissions, or contractions of time are innumerable and obvious, often so obvious as to be harmless on that ground alone. No one can be misled by them. Every child knows that King John did not use cannon.



Prince Hal's pistols, Richard's deformity, Arthur of Bretagne's claim to the English throne, the sea coast of Bohemia, had better be kept out of examination papers, but their presence in the plays interferes not at all with the use of the living pictures of mankind. Those who have been brought up in a knowledge of Shakespeare may be wrong about some events in English history; but so far as a book can teach, they are likely to be well grounded in the study of man. Shakespeare is always keeping in view the truth of human nature, but often sacrificing historic detail. He is far more anxious that the characters in his Roman plays should be men, than that they should be Romans; far more concerned to make the words and feelings of English barons under King John human words and feelings, than characteristic of the early thirteenth century. Costume is ruthlessly sacrificed, but the men survive. Archæology goes to the winds, but something more important, real human nature, has the better chance of being seen. We may contrast Shakespeare's method with that of Ben Jonson in 'Catiline' and 'Sejanus,' or of Addison in 'Cato,' or even with that of the late Poet Laureate in 'Harold.' Ben Jonson is far more careful of his classical proprieties, but produces something not only far inferior to 'Antony and Cleopatra,' but something far inferior to his own English comedies. Addison is still more careful, and quite as lifeless. His Romans are obviously eighteenth century philosophers; who have learnt their parts as conventional Romans very well. Tennyson is carefully backed by all the resources of the 'Norman Conquest'; but the result is inferior, as a consequence I believe, to the less closely shackled work of his inferior, Bulwer Lytton. Other examples of success in essentials, and failure in circumstances, will spring to mind. The glorious impossibilities of 'Ivanhoe' amuse and profit, because though De Bois Gilbert and Locksley are very little like a Templar or an outlaw of the twelfth century, they are very like men. The sonorous rhetoric of some French tragedies profits little, because the Romans speak not only as no

Roman spoke, but as never man spake anywhere off the French stage.<sup>1</sup>

But Shakespeare, in English history especially, while he plays fast and loose with archæological accuracy and historic fact, yet presents to us the figures, not only of men, but of Englishmen, and moreover of Elizabethan Englishmen.

In this respect, as in some others, we may remember that Shakespeare is not unlike some of the authorities on whom, for want of better, we are obliged to rely for our knowledge of ancient history. From imperfect materials, largely consisting of legends and traditions, he set forth a story which should be lively, interesting, and intelligible to the men of his own age. A great national tradition was by him fixed in a form of imperishable beauty and grandeur. Herodotus did very much the same. The points on which they go wrong differ, the points in which they are right are very similar. If while reading Herodotus we are sometimes doubtful whether we have the exact thoughts, and words, and deeds of the Greeks, Lydians, or Persians of the sixth century, we are never in doubt that we have those of Ionian Greeks of the fifth.

I would compare Shakespeare also with another of those whom we have to treat as authorities upon ancient history. Plutarch is the Shakespeare of antiquity. His authorities are sometimes unknown to us altogether. Sometimes, as in the life of Sulla, they are good, sometimes they are bad, or altogether mythical. He has not much discrimination between genuine history and legend. But his primary motive was to illustrate and treat of character; and though his facts may often be doubted, or be no facts at all,

<sup>1</sup> Shakespeare is so absolutely careless of historical costume that it is doubtful if his plays are made really more intelligible by a careful reproduction of dress, arms, and architecture upon the stage. The elaborate pains taken, for instance at the Lyceum, to make the surroundings of Macbeth resemble the surroundings of a Scot in the eleventh century, created a positively false impression. The society and manners of the play are not those of the place and time; the result was therefore an incongruity. Who in the real Scotland of the eleventh century would have had bad dreams, or a spoilt dinner, because of a few murders, more or less? There is no Scot of any age in the play, except the cautious Malcolm.

though his conceptions of early societies and political conditions may be wrong, yet even if ancient history had been preserved to us in much more ample and trustworthy details, we could ill spare the moral presentment of the story, made with such a lively understanding of the universal nature of man as he was, that has been given to us by the philosopher of Chaironeia.

So it is with Shakespeare. We gain from him no new information on the facts of English mediæval history, for what is new is not true. But we can gather a good deal of the real conditions and ideas of Elizabethan England, through seeing how that age regarded the past ; and we can assuredly gain some valuable comment upon the past from the man who, ignorant, or imperfectly informed about many things, yet knew the raw material of all history, the heart of man, as no other mere man ever knew it. We have from him history on the grandest scale, an analysis of human character, and motive and action, not tied to the limited examples yielded by particular place and time, not viewed as working in the midst of one nation or society alone, but as seen in mankind at large. The soldier, the statesman, the king, the patriot, the usurper, the man of action, and the man of dreams are set before us, showing through their adventitious surroundings, and exhibiting the features common to the whole class wherever found.

The universal truths which experience reads from history, wherever we deal with man as man, are illustrated by him. A Richard II. everywhere invites the attack of a Bolingbroke ; a usurper like Henry IV. everywhere fails to rule peacefully and legally ; the king-maker and the king are always at enmity ; the conqueror always prepares troubles for a Henry VI. succeeding him ; a Brutus, too noble for his business and times, everywhere fails, and a worse comes in the place of a Cæsar murdered. A whole movement of society continually recurring may be held up to the light. Cade's rioters everywhere make impossible demands, and are fed with delusive promises, in the nineteenth century as well as

in the fourteenth and fifteenth, in America as well as in England. The seven halfpenny loaves are going to be sold for a penny—here, there, and everywhere. All these instances, enforced by living pictures, make as truly a philosophy of history, and they are a more lively philosophy, than the similar instances adduced in brief sentences by a Thucydides or an Aristotle, or in long periods by a Buckle.

But Shakespeare knew, not only man in general, but the particular man in England. I am not among those who think that Shakespeare is peculiarly successful in depicting all national characteristics. He knew something of Italians from Italian literature or translations, something of the traditional view of ancient Romans from Plutarch, a good deal of Celts. No one could mistake Constance the Bretonne, Glendower, Sir Hugh, Fluellen for anything but Celts. But while all his men are men, a great many of them, especially in the English historical plays, are Englishmen of his own time. And men in the country in his own time were not very different from the men of the Middle Ages. He was just near enough to the Middle Ages to be in touch with them, though he was not of them. Scott enjoyed a somewhat similar advantage in being in touch with, but yet outside the generation which was really Jacobite. The differences between parts of England went far deeper in Shakespeare's age than they do now. Ideas travelled by stage waggon or on foot. Sir Walter Raleigh, and Shakespeare himself, were modern men. London was Protestant, and London was becoming modern. The country where Shakespeare was born was chiefly Catholic, and among the lower classes almost wholly mediæval in its ideas. This gave him an advantage hardly to be gained from books by any historian. If we were given an account of the manners and ideas of a savage tribe by one of themselves, we should have laboriously to extract the important truths by inference from what he said or did not say. If we had it from a civilised man who had studied the tribe from a distance we should probably miss important points. If we had such an account from a civilised man who had lived in the midst



of the tribe, we should have a real picture. Shakespeare from his own experience gives us the real mediæval Englishman, as well as his Elizabethan development, and we learn from him that the mediæval, Elizabethan, and modern Englishman are at bottom more alike than costume would indicate.

We must not, of course, look for certain kinds of history at all in plays. Constitutional history was uninteresting to the age which looked to a powerful monarchy as the expression of national greatness. Diplomatic history was entirely unknown. Social problems perplexed legislators, and found their place in sermons, but were out of place, and are out of place upon the stage. Interesting or uninteresting, these subjects were not dramatic, and Shakespeare was a dramatist, writing plays which he wished to be profitable. Neither could he go for facts beyond his authorities. These, so far as they were written, were almost exclusively Hall and Holinshed. The general idea of the tragedy of Lancaster comes from Hall, the story from 1398 to 1485 is a dramatic setting of 'Hall's Chronicle,' which starts at the same point. The detail comes mostly from Holinshed. Hall professed to have read much, and had no doubt read a good deal. Often he follows Polydore Virgil, sometimes he translates him, sometimes he amplifies him. He is violently prejudiced, strongly anti-French and anti-ecclesiastical, and not above the suspicion of deliberate untruth. Sir Thomas More supplied both Hall and Holinshed with the story of Richard III., and More was influenced by Morton, who was no friend to Richard's memory. The different writers who combined to write 'Holinshed's Chronicle' had also read several earlier writers, but often follow Hall. Perhaps Stow was the only man among them who was a real historian. None of them were very critical in the use of their authorities. Fabyan or Robert Redman are as good in their eyes as Walsingham. A mass of stories, of doubtful truth, got incorporated into the Chronicles, and of course accepted by Shakespeare. But many stories, or traditional impressions of events, as of the



Wars of the Roses and Bosworth Field, may have come down to him independently of any written authority. He seems to have known a ballad on Bosworth, not printed so far as we know in his time, and if he used Cavendish's 'Life of Wolsey' for 'Henry VIII.,' he used a book which we know was first printed twenty-five years after his death. This suggests the possibility of other sources of information independent of the great chronicles. The historical events of the fifteenth century had been of the nature to lay hold of the popular imagination, and to be remembered in tradition. The Wars of the Roses were about as near his time as the War of Independence is to present New Englanders. Both alike ended in producing the political settlement under which the people of England, old and new, lived and live respectively. Both would be remembered in country places, the scenes of the history, and be talked about with the same picturesque, prejudiced, inaccurate, yet lively colouring, born of real interest. We cannot expect a measured judgment from such sources, but we can get a view of the way in which the chief actors in the scenes remembered, and the causes which they represented, did impress many of their contemporaries.

But Hall and Holinshed and the current stories are in the main true in their leading facts, and Shakespeare's living picture, based upon them, is in the main true. His is not the photographic work of the historian of to-day, it is the work of the artist, who omits, alters, and introduces detail, to increase the truth of the general effect. His very falsifications may bring out a truth. The relations between Richard II. and Isabella of Valois were scarcely those of the play, but the picture brings out the real better side of the King, and the real affection which he privately inspired, though he was publicly disliked. Richard III. did not take part in the events in which he is made a chief actor in the play of 'Henry VI.'; but the truth is brought out, as it could hardly otherwise have been brought out upon the stage, that his character was the natural outcome of civil war. The picturesque detail of 'Henry IV.' emphasises the fact that a real wrench to law and

order was given by the events of 1399. His work is not photographic indeed in its accuracy on the surface, but perhaps it may be compared with the new photography, for it pierces to the bone.

His unrivalled knowledge of man might help him to read more into the stories of chroniclers than they had themselves expressed in words, or had wholly understood to be there. From the actions reported he could read real character. Certain of his characters in English history are the real men. We see Richard II. childish all his days, clinging to a fiction of a theory of divine right, which he does nothing to make real; careless of his dignity and of justice, acting only with spasmodic energy for a moment, loving his horse, beloved of his wife and servants; hated by his nobility and people, a man of sentiment. Such he is, down to the minute point of his love of horses, in the contemporary accounts too.

His rival, Henry IV., justifies Arundel's text in his sermon on the accession, *Vir dominabitur in populo*. He is shown to us as able, scheming, politic, not ignoble in aims and character, but soured and driven into injustice by his difficulties of his own original creating, prematurely old, but labouring to the last in the task which he has undertaken.

We see Henry V. going to war for politic objects, but persuading himself that he is executing God's judgments. The perfect leader in war, though not the perfect man. Knight, enthusiast, hypocrite, politician and soldier, in subtle intermixture, beyond his own power of distinction embodying in a magnificent form the faults of his countrymen. The irony of the treatment is marked and successful, for the popularity of the most popular hero has to be preserved.

So Henry VI. is ironically treated. The all but saint is preserved outwardly for us, as for his contemporaries, while we are allowed also to see the man who is not too good but too apathetic to be vindictive.

Poor Queen; how love for me and for her son  
Makes her to break out in terms of rage,  
Revenged be she on that hateful duke.

Yet he can say, when York has been murdered by his Queen :

Withhold revenge, dear God. 'Twas not my fault,  
Nor wittingly have I infringed my vow.

But this truth, through irony, is most eminently displayed in Henry VIII. He is the great king who can do no wrong in his own eyes, or in the eyes of most others ; who covers his lust with the pretence of conscience, and in self-complacency condemns himself out of his own mouth, in praising the wife whom he has wronged. His boon-companion is allowed to blurt out the truth : 'The king's conscience has crept too near another lady.' His wife, in one indignant outburst, lifts the veil from his tyranny, when she answers her judges :

Can you think, lords,  
That any Englishman dare give me counsel,  
Or be a known friend, 'gainst his Highness' pleasure,  
Though he be grown so desperate to be honest,  
And live, a subject ?

Who can say that Shakespeare (*pace* great critics) was a blind admirer of royal despotism ?

We are reminded of the speech of another patriot :

The abuse of greatness is when it disjoins  
Remorse from power.

Mr. Brewer, and there has been no more competent judge, used to declare that Shakespeare's Henry VIII. was the best historical portrait of the man.

Nor in some other cases can the accusation of blind partiality against Shakespeare stand. His authorities were mostly Lancastrian, and he undoubtedly preserves for us on the whole a lively party view. A party view illustrates history, it shows how some contemporaries were really impressed. Future historians will not know all that they should, if they do not read the Conservative press upon Mr. Gladstone and the Liberal press on Lord Beaconsfield.

But Shakespeare's view is not purely the Lancastrian. The

unpopularity of the government which lost France, of the Queen, Suffolk, and Somerset, is clearly shown. The good Duke Humphrey has a very negative sort of goodness, so has Henry VI., and negative goodness is positive evil. Duke Humphrey does nothing but mischief; Henry VI. does nothing at all. No doubt the Yorkist chiefs are run down, Richard Duke of York more than he deserves. But the fact of the terrible incapacity of Lancaster is everywhere apparent. We might gather from the plays, if we had no other authority, that Lancaster was set aside, not because of any flaw in their title, but because they could not govern; and that York was set up, not out of deference to any hereditary claim, but because they could rule and fight. The great impression, a somewhat false one too, really made upon contemporaries by the great Earl of Warwick, comes out in every page. We see, too, set forth with a clearness which we can hardly find elsewhere, a picture of the utter demoralization of English society in the Wars of the Roses. We should go to Sir James Ramsay for facts, but for a true impression of the result of the facts, there is no better commentary than the Third Part of 'Henry VI.' and 'Richard III.' The picture of the demoralization of Greek society through civil strife, drawn by Thucydides, is one of the few fit to stand beside it.

But it is not merely for the time of which he writes that Shakespeare has his value as an historian. The stage must reflect popular opinion, and if its subjects be political it will reflect political opinion.

The greatness of the Crown comes out everywhere, as we should expect in an age when the Crown had done so much for England. But with the greatness comes the responsibility. His two greatest kings, Henry IV. and Henry V., strong men though they be, stagger under the sense of the responsibilities of their office. The usurpers who seize the Crown, the feeble kings who debase it, Lear who lightly lays it aside, all illustrate, by their fates, the greatness and sacredness of the trust, which they lightly assume, evilly administer, or wantonly throw away. But it is worthy of note that



Richard II. does not fall from unconstitutional action, nor for advancing the power of the Crown over that of Parliament. This idea would have been strange to the age of Elizabeth. He falls chiefly for the want of that by which the Tudors stood, a sense of national and of personal dignity.

The causes which bring about the misfortunes of John are much the same, though he further debases the Crown by his personal crimes. But there is no talk in the play of his bad government. Magna Charta is entirely omitted. Nor is John forsaken by his barons because he is not heir by blood to his brother Richard. When he stands upon the ground which he first takes up, against the French king, all his people stand by him.

Doth not the Crown of England prove the king?  
And if not that, I bring you witnesses,  
Twice fifteen thousand hearts of English breed.

This was the title by which Elizabeth also reigned in fact. The barons leave king John not as a usurper, but when the heir by blood is dead, and when they believe the King to be a murderer, and know him to have betrayed the national honour. With all the reverence for the Crown shown, we do not find in Shakespeare the doctrine of indefeasible, hereditary divine right, which became popular only after the death of Charles I., which lingered on with the Jacobites, and survives among Legitimists. It is not a doctrine of Tudor England. The ready acquiescence in Henry's tampering with the succession, the general preference for Elizabeth over Mary Stuart, the acceptance of Mary Tudor and Elizabeth by most people, though both cannot have been legitimate daughters of Henry VIII., whichever was the other was not, tell a different tale of the opinions of the age in which Shakespeare was born. Richard II. vapours about his unassailable right, but it is assailed, and he gives it up. He expects angels to fight for him, and he cannot even command the services of Welshmen. His deposition is rightly arraigned as the source of future troubles, a revolution, however salutary,

always has dangerous consequences. But the danger lies in the overthrow of an established government. He is

God's steward, captain, deputy elect,  
Anointed, crownèd, planted many years.

Those who rise against the House of Lancaster are equally rebels with those who rise against Richard. Henry V. is surely, in Shakespeare's eyes, the lawful king, as Elizabeth was lawful queen. The true Legitimist would have had doubts about the latter, and would have utterly rejected the former in favour of Edmund Mortimer.

The framework of the play of 'King John' was of course supplied to Shakespeare by some other unknown dramatist of the same age, but it is most significant of the interests of the time. Not only is the legitimate heir neglected by the Englishmen in it, for the sake of the king of the national choice, not only is a great constitutional subject of interest entirely ignored, but an immense interest is aroused by the story of how Englishmen stood together to resist the interference of a great Continental Power, backed by the Papacy, in their affairs. The story of England supporting John against Constance and Arthur, helped by France and Rome, is the story of England supporting Elizabeth against the foreign Queen, helped by Spain and Rome. The barons waver, but return to their national allegiance. The Catholics rebelled, but the best of them took up arms against the Armada.

Now these, her princes, are come home again,  
Come the three corners of the world in arms,  
And we shall shock them ; nought shall make us rue  
If England to itself do rest but true.

Stirring words at any time, but written with a deep meaning for the age which knew the trials and feelings of the Catholics, and had seen the great storm pass away, without awaking a corresponding explosion in the country.

Turn where we will the feeling of the times is in the plays. The French war of Henry V. reflects the excitement of 1598-99—the play came out in 1599—when there had been more than rumours of a new Armada, when the youth of

England was on fire, when dreadful note of preparation anticipated a coming enemy, when Essex, the hero of Cadiz, was in Ireland, and the fighting Veres in the Netherlands.

The maritime adventures and discoveries of James's reign, as well as of Elizabeth's, the experiences of the early colonists of Virginia, the new, yet unsettled question of the 'native,' give local colour and practical interest to the wonderful fairy tale of the 'Tempest.' The deeper speculations of the age are also presented to us, but must have passed unnoticed at the time by all but the few who shared them. The shaken belief of some in witchcraft, ghosts, portents and astrology, is clearly shared by Shakespeare. The attitude of Hotspur towards Glendower's mysticism is that of the 'Saturday Review,' a few years back, towards the Psychical Society. In 'Julius Cæsar,' Cicero, the philosopher, holds just the same opinion, more temperately expressed, towards the wonders which the vulgar fellow, Casca, had seen and imagined. The subjectivity of the ghost of Banquo, and of the sights and sounds which alarm Macbeth on the night of Duncan's murder, are clearly indicated. Even Hamlet is not sure that he has really seen his father's spirit. He can talk soon afterwards of that 'bourne from which no traveller returns,' and can doubt if there is a future life. An earlier age would have expressed no doubts. A later age would have rather invented a purely imaginary ghost story, with no doubts allowed, or have clearly indicated that the ghost was the creation of a perturbed brain. Shakespeare, characteristically of the advanced thought of the time, waits upon the line, but inclines to the subjective interpretation. His attitude towards astrology is so bold as to be scarcely characteristic of the age; but yet, of course, it shows that the age was advancing faster than we should imagine—

Our remedies oft in ourselves do lie,  
Which we ascribe to heaven; the fated sky  
Gives us free scope, only doth backward pull  
Our slow designs when we ourselves are dull.

So speaks Helena in 'All's Well that Ends Well.' In 'King Lear,' Edmund, to the same effect, tells us that—



When we are sick in fortune, often the surfeit of our own behaviour, we make guilty of our misfortunes the sun, the moon, and the stars.

Such passages as these counterbalance any amount of conventional use of astrological expressions, and show how the tide of thought was setting. The destiny of Shakesperean actors depends upon their characters. The plays have their place in the history of rationalism in England.

And they, of course, throw light upon Elizabethan religion. Shakespeare is so completely hidden behind his characters that his own partisan views, even if they existed, are not to be found. But, as in politics, the views of the theatre-going public must be reflected on the stage. Theological controversy is avoided, the story of all the plays is confined to this world, the little life of the players is rounded by a sleep. But conventional religious phraseology cannot be avoided, nor can some reference to ecclesiastical questions. The audience are clearly not fond of Papal supremacy. A Tudor defiance of Rome is put into the mouth of King John, and Henry VIII. speaks in the same sense, though not so strongly. They were anti-Jesuit, to judge from the Porter's speech in *Macbeth* :

Faith, here's an equivocator that could swear in both the scales against either scale ; who committed treason enough for God's sake, yet could not equivocate to heaven.

If this does not belong to 1606, and does not refer to the case of Father Garnet and the Gunpowder Treason, it is hard to explain. But the audience were certainly accustomed to mediæval religious phraseology, and to the doctrines of the pre-Reformation Church. 'By Our Lady,' 'by St. Paul,' appeals to saints and angels, drop readily from the actors' lips. These expressions cannot be attributed to historic correctness, seeing that this is absolutely disregarded otherwise.

The Ghost in 'Hamlet' comes from Purgatory. The guilt of his murder is increased by his having been cut off without absolution and extreme unction. The burial of Ophelia is



conducted with 'maimed rites,' such as the mediæval church allowed in cases of doubtful suicide. The rubric of the Elizabethan Prayer-book contemplated either the whole burial service or none. The non-existence of uniformity under Elizabeth, in spite of the act and of the High Commission, is, I believe, fairly well established. The reference to 'Evening Mass' in *Romeo and Juliet* has been taken to show ignorance of Catholic services. Mass after mid-day was not generally forbidden till the sixteenth century, and the Cathedral of Verona was one of the places where it was so celebrated.<sup>1</sup> This last fact Shakespeare would hardly know, and it is quite unlike him to mention it if he did. But another explanation may be true, and may throw light on English affairs. Cardinal Allen could, in 1583, write of his brother :

Certainly it was a pleasure to hear him say that, during the whole three years he had been away from me (in England), never a day passed but he had the opportunity of hearing Mass.

In the face of the stringent laws against priests saying Mass, it is hard to suppose that all these Masses were said at canonical hours, and not under dispensations, at any time. If so, the conditions of a family of Catholic recusants, and to such Shakespeare pretty certainly belonged, may be vividly illustrated by the expression, and there would be many in the audience to whom it would appear natural.

At any rate the theatre goers were scarcely Puritans, as we might expect indeed. Falstaff is, possibly, the caricatured Lollard, Malvolio is 'sometimes a sort of Puritan,' with the desire for the suppression of cakes and ale, which has made them obnoxious to other people than Sir Toby. In '*Timon*' we heard of one who

Takes virtuous copies to be wicked, like those that under hot, ardent zeal would set whole realms on fire.

In '*All's Well that Ends Well*,' we find :

Though honesty be a Puritan, yet it will do no hurt, it will wear the surplice of humility over the black gown of a big heart.

<sup>1</sup> My authority for this is Von F. Brenner, quoted in the *Month*, May 1882.

But the matter is endless. The life and feelings of the time break out everywhere.

Yet with regard to religion, there is a religion in the plays which was happily characteristic of Elizabethan England, and we may hope is not extinct. The age was careless of theological differences, though Jesuits and Puritans were labouring to make them more and more important. It was essentially self-reliant, essentially convinced that the salvation of the nation, and of the men in it, was to be found in action. A true philosophy of life, that is of history, is to be read everywhere in Shakespeare, 'Whatsoever a man soweth, that shall he also reap.' The misfortunes of Shakespearean characters seem often disproportionate to their offence, or to their omission. But the misfortunes of real life are in the same case. Everyone contributes to his own misfortune in these plays; the children, like Arthur, suffering with the parents who act for them. Lear, Cordelia, Othello, Brutus, Antony; the weak, the good, the generous, the noble, the great find no exception made for them. Imperial and Republican Rome, Lancastrian England, pay the penalty for their own lawlessness and lust of conquest. It is worth while that the greatest genius of all time should preach this simple philosophy of history, in the affairs of states and men, for it needs enforcing. All acknowledge it in words, and all secretly imagine, at some time, that they themselves will prove the exception. But Nature makes no exceptions, and knows no favouritism. From the works of the prophet of human nature we may draw the lesson, continually repeated, that king and subject, man and nation, must expect such fortune as their doing or want of doing has prepared for them. Nothing extenuated, nor aught set down in malice, but actions, great and small, reckoned in their place and bearing upon the outcome. And here is a summing-up of the lessons of all history, which no one has given to us in a better or nobler form than that which has been made by Shakespeare.

## THE PARLIAMENT OF LINCOLN, 1316.

By ARTHUR HUGHES, B.A., F.R.Hist.S.

IN the history of a nation no little importance attaches to the study of the development of its administration, the means with which the social organism provides itself in order to express its will in acts, and to be able to do so with the fairest possible distribution among its members of the strain which action involves. The general course of such development may perhaps be described as the gradual substitution of definite rules for indefinite impulses, of law for equity, of constitutional acts for royal behests. Routine is ever growing and spreading, and becoming more rational as it grows. The rules, at first, are few and simple, but only meet the commonest emergencies, and, however developed the system, the unforeseen is always arising, the hard cases which make good law in the end find new law made to meet them. Everywhere we begin with a person and end with a department.

In the case of our own country the first branch of the national business to be delegated was, as might be expected, that of the revenue. What was afterwards called the exchequer was the first organised department. As early as the reign of Henry I. it had acquired a definite body of rules. The anarchy of Stephen's reign disorganised the department. Of its records prior to the close of that reign, Domesday Book and one Pipe Roll alone remain, the first representing the department in its statical, the latter in its dynamical aspect. The advance observable on comparing the natures of the two records is significant. The first is merely a fixed standard

to which appeals as they arise may be referred ; the latter, which contains evidence of being the only surviving member of a lost series, is a detailed account of one year's current work, showing a highly organised system in perfect order. When Henry II. was established on the throne, almost his first act was to restore the exchequer. Much of his work was probably mere reconstruction of the system of his grandfather, some, no doubt, was new. But from the second year of his reign there began the series of Revenue Rolls known as the Great Rolls of the Pipe, which, like the vertebræ of some great fossil backbone, run with two slight breaks from the year 1155 to the year 1832.

It would take too long to trace in detail the gradual evolution of the Courts of Law which resulted from the formation of what might be called the judicial department, which itself arose from the delegation of the King's judicial functions. The precise date of the formation of the courts is uncertain, but there is little reason to think that any serious loss or destruction of their earlier records has occurred, and following, if we may, the principle that a department can first be regarded as duly organised as such, when it takes to keeping a record of its own proceedings, we may probably assign as the date, if not of origin, then of secure establishment of these courts, a point of time not far anterior to the date of their earliest records which have come down to us.

The addition of the judicial to the thesaurarial functions, which took place upon the establishment of the Court of Exchequer as a regular court of law under the first or second of the Angevin kings, was a great step towards the independence of the financial department.

From early times, however, there was, besides the treasurer and the chief justice, another great officer, the chancellor, who appears to have originally acted as the King's private secretary. His duty was to affix the great seal to the King's acts. His department appears to have obtained a definite organization during the reign of John, when the great series of Chancery Rolls, the Patent, Fine and Close Rolls begin.



A duplicate of the Pipe Roll was, in theory always, and in practice at any rate, often, drawn up for his information. He appears to have been originally the medium of the King's control over the treasurer and his department. For the writs which pardoned a debt, or authorised a payment out of the exchequer, were probably sealed by him. Soon after the formation of the chancery as a department, the treasurer acquired a chancellor of his own, the Chancellor of the Exchequer, who appears to have taken over the original chancellor's duty so far as it concerned the ordinary routine of revenue business, and who consequently appears to have become the custodian of the chancellor's duplicates of the Pipe Roll. This change rounded off the body of the treasurer's functions and left him, with his chancellor under him, at the head of a department completely equipped and subject only to the direct control of the King.

The political struggles of the reigns of Henry III., Edward I. and Edward II., amongst their other results, brought it about that the exchequer lost this position of direct dependence on the King, and became a department subordinate to the chancery, and through the chancery to the King and Council. Events decided that the growing body of duties now performed by the Foreign, Home and War Offices were to fall to the lot of the comparatively newly arisen department of the chancery, and not to be annexed to, or even shared by, the older established department of Finance. The exchequer became a purely Revenue Department. The decisive battle of this long campaign was fought and won at the Parliament which was opened at Lincoln on January 28, 1316. The special issue decided in this Parliament was the method of appointing sheriffs. The chancery succeeded in asserting its supremacy in the choice of those officers, thus securing direct control of the executive in almost all its branches throughout the country. In the early part of the fourteenth century the sheriffs' duties were not confined to executing the behests of the courts of law and attending the judges on circuit. The greater portion of the Royal revenues

passed through their hands. They superintended the muster of troops and were charged with the supply of men and munitions for public purposes. They conducted parliamentary elections, paid the members, and controlled the sources of information as to the state of the country then available to the Government. It is hardly surprising that the capture by the chancery of such a position should have involved a victory along the whole line, with the further consequence, as will be attempted to be shown hereafter, that this department superseded the exchequer as custodian of the enrolled records of Parliament, the so-called Parliament Rolls.

After this rough indication of the point of view from which it is proposed to survey the work of the Parliament of Lincoln, it may be well, before attempting to fill in the details of the sketch, to recall the circumstances which immediately led to its being convened, and to give some account of the documents in which its composition and work are recorded.

In the autumn of 1311 the ordinances of the lords ordainers were drawn up. By the end of that year the administration was beginning to put them in force. Gaveston perished in the summer of 1312. A general amnesty was granted to the baronial leaders in October 1313. In the following June the English lost the Battle of Bannockburn, partly through the refusal of the Earl of Lancaster<sup>1</sup> and his adherents to support the King in the war. The death of Earl Gilbert of Clare in this battle, and the death of the Earl of Warwick not long afterwards, left Earl Thomas the first—if not more than the first—subject in the land. In the Parliament held at York in September 1314, the King consented to the dismissal of his chancellor, treasurer, and sheriffs. John de Sandale became chancellor, and Walter de Norwich replaced Walter Langton as treasurer. In the beginning of the following year Langton and Despenser were removed from the Council. The clergy made their grant of money conditional upon the observance of the ordinances, and in

<sup>1</sup> Warenne, Arundel, and Warwick.

August of the same year, 1315, the Earl of Lancaster was made commander-in-chief against the Scots. Lancaster had been waxing and the King waning, the ordinances were growing in general popularity, and the attack on the King was largely assuming the form of an attack upon the treasurer and upon the exchequer, the department which he controlled.

The Parliament Rolls, which contain the enrolments of the proceedings of the Parliament of Lincoln, mark a new departure in the method of drawing up these documents. They stand third and fourth in the chancery series of our Parliament Rolls. The first of this series, called the Roll for the fifth year, contains the ordinances, but by the record of their repeal which has been added at the end may be said to have been converted into a Roll for the fifteenth year. The second Roll deals with the second Parliament of the eighth year, that of Hilary term, 1315. The next although it deals with a few matters begun in that Parliament,<sup>1</sup> seems to be more properly the whole, or part, of what for want of a better title we may call the Old-fashioned Roll for the Lincoln Parliament. So far there has been no striking change from the form of any ordinary exchequer Parliament Roll of Edward I. Now we come to the innovation. The Roll which is described in the printed edition of the Rolls of Parliament as being for 9 Edward II., is in a different form. It begins with a detailed journal of the session, followed by an account of the appointment of the Earl of Lancaster, as chief of the Council, and contains among other matters a detailed chronological narration of negotiations with Flanders. It is the first Parliament Roll to be presented in a narrative form.<sup>2</sup>

The author of this change was a chancery clerk, William de Ayremynne, who now first comes into prominence. In the August following the meeting of our Parliament he was appointed keeper of the Rolls of the Chancery. His subse-

<sup>1</sup> The claim of Hugh de Courtenay to the Redvers lands.

<sup>2</sup> *Rolls of Parliament*, i. 350-364.

quent career is well known. The change which he adopted does not appear to have immediately commended itself to his successors. The next journal of Parliament will be found on the Roll for the sixth year of Edward III.<sup>1</sup>

In one respect the account of the Parliament of Lincoln as given on its Roll is less complete than that of a preceding Parliament, the Parliament of Carlisle. There is no list of members. It is, of course, usually very simple to ascertain who were summoned or elected to a parliament—but wholly impossible to determine for certain who came. We know that at the opening of the Lincoln Parliament many peers were absent. Twenty-one archbishops and bishops were summoned, forty-five abbots, three priors, the master of the order of Sempringham, ninety-one earls and barons and thirty-three justices, and other members of the Council. Writs for the election of knights and burgesses were sent to all the sheriffs of England. To the Parliament of January 1315, 208 commons were elected, and only 102 applied for payment of their expenses. In the case of the Lincoln Parliament thirty-one peers and officials are mentioned by name in the records as being present during the earlier part of the proceedings. More attended afterwards, but how many more we cannot say. Seventy-three members of the Commons received wages for attending.<sup>2</sup>

The Parliament was opened on January 28, 1316, in a chamber in the hotel of the Dean of Lincoln, and the King's speech was delivered by William Inge, a justice of the Bench. The main subject for consideration was stated to be Scotch affairs, the consideration of which had, however, to be postponed until the Earl of Lancaster and other nobles, then absent, should appear. John de Sandale, Edward I.'s second great warden of the Mint, now chancellor; Walter de Norwich,

<sup>1</sup> On the roll for the fourth, fifth, and sixth years.

<sup>2</sup> Probably a better idea of the *personnel* of the Commons House in successive parliaments is to be gathered from a study of the enrolments of the *writs de expensis* on the dorse of the *Close Roll* than from the returns to the writs of election.



the treasurer, and William Inge, were appointed to examine the proxies of absent members.<sup>1</sup>

February 3 was assigned as the last day for receiving petitions, and receivers were appointed.

*February 5.*—Auditors of petitions nominated.

*February 7.*—A general reply was given to the petitions of the clergy, a proceeding which seems to have finally resulted in the so-called Statute called *Articuli Cleri*, enacted in the following year.

*February 8.*—The Bishops of Norwich, Chichester, Exeter, and Salisbury were sworn of the Council.

*February 12.*—The Earl of Lancaster arrived.

*February 13.*—Prelates and proceres met in the Chapter-house, and discussed Scotch affairs.

*February 14.*—They met in the convent of the Carmelite Friars. An existing proclamation concerning the price of provisions was revoked and the Statute of Sheriffs agreed upon.

*February 17.*—The Bishop of Norwich by the King's command recited these matters, also the royal assent to the ordinances, and to bounds of forests as in the time of Edward I. being maintained. In consequence of these proceedings, an elaborate enquiry was held on forest matters after the close of the Parliament in April and May following. The Earl of Lancaster was appointed chief of the King's Council, the appointment being made by the King, Prelates, Earls, and Barons in full Parliament without mention of the Commons. The Earl's special charge was the due maintenance of the ordinances, and the more economical management of the Royal household.

*February 20.*—Peers and commons made a grant of the military service of one man from each township, and of a fifteenth of movables in money. Writs de expensis were issued for the Commons. The necessary summonses, returnable on April 25, were issued for the collection of evidence relating to the Perambulations of the Forests.

The actual legislation performed during these three weeks consisted (1) of the appointment of a permanent chief of the

<sup>1</sup> *Close Roll*, 9 Ed. II. m. 22*d*.

Council, a premier ministre ; (2) of a general confirmation of the ordinances, and (3) of the enactment of a statute relating to the appointment of sheriffs and hundreders, which is itself an amplification of 'one of the ordinances.'<sup>1</sup> The ordinances were repealed in the Parliament held at York in 1322 ; the Earl of Lancaster and his office of chief of the Council lasted no longer. But the statute of sheriffs was carefully excepted from the repeal, and the method of appointing those officers which it enacted lasted till the Stuarts. The ordinance provided that sheriffs were to be appointed by the Chancellor, and by the Treasurer and Barons of the Exchequer, or, in the absence of the Chancellor, by the Treasurer, the Barons and the Justices of the Bench, and that the commissions must be issued under the great seal. Thus the Chancellor had the power of putting his veto upon any appointment. The order in which these officers are named might have prepared us for the final clause. Under Edward I., at any rate after Robert Burnell ceased to hold the great seal, the Treasurer quite eclipses the Chancellor. Take, for instance, the Privy seal, addressed by Edward I. to the Council at Carlisle on February 18, 1307.<sup>2</sup> First comes the Treasurer, then the Earl of Lincoln, then the Chancellor, then Hugh le Dispenser and the others. The most cursory examination of the Parliament Rolls and endorsements of petitions of the reign of Edward I. shows the relative importance of the Treasurer.

From the advent of John de Clancy to the office of Treasurer, in 1278, until the promulgation of the ordinances in 1311, sheriffs were, with a very few exceptions, appointed not by Commissions issued by the great seal of the Chancery, but on the nomination of the Treasurer by commissions sealed by the Chancellor of the Exchequer (the Chancellor of the Chancellor's Rolls).

Happily, during a considerable portion of this period the office of Chancellor of the Exchequer was held by a man by no means inclined to be reticent as to his doings—Philip

<sup>1</sup> *Rolls of Parliament*, i. 282, 343, 353.

<sup>2</sup> *Ibid.* ii. 218.

de Willoughby. His account of his proceedings, to be found on the Lord Treasurer's Memoranda Rolls, is charmingly confidential and complete. Two entries in particular show exactly what the method of procedure was.

In May 1303 a rumour reached the exchequer of the death of the sheriff of Surrey and Sussex. The lieutenant of the Treasurer and the barons considered the question of choosing another sheriff in his place, and they agreed to make out two commissions, one appointing a Henry de Cobeham, the other Walter de Geddinges. Both commissions were sealed with the seal of the exchequer, and Master Peter de Guldeford, clerk of the exchequer, brought the two commissions to the Tower of London—whither the two candidates were also commanded to repair. If only one appeared, he was to have the appointment, but if both came, Master Peter was to consult Ralph de Sandwich, the keeper of the Tower, choose the fitter man, and administer the oath. As a matter of fact both men appeared. Walter de Geddinges was preferred, received his commission and was duly sworn. The unused commission was brought back to the exchequer. The commissions, the order to the executors of the last sheriff to deliver up to his successor the rolls, &c., pertaining to the office, the summonses to the candidates, and the warrant to the keeper of the Tower, were all tested by Philip de Willoughby.<sup>1</sup> An instance of interference on the part of the chancery occurs a little earlier (in October 1299). A commission tested by the Treasurer was issued at York committing the counties of Essex and Hertfordshire to one Robert Hereward. A note is added to the enrolment to the effect that this commission was revoked and another immediately made out under the great seal in favour of John de la Lee. The enrolment of Lee's commission is entered on the Fine Roll of the Chancery in the manner which became the invariable practice as soon as the appointments came to be made under the great seal. The entry on the Memoranda Roll of 1283 to 1284 of appointments of

<sup>1</sup> *L. T. R. Memoranda Roll*, 31 Ed. I.

sheriffs is headed 'Counties committed at the Exchequer by the Treasurer and Barons in the thirteenth year.'<sup>1</sup>

None of these exchequer appointments were enrolled on Chancery Rolls; a special section of the Memoranda Rolls, headed 'Commissiones et Literae patentes,' was reserved for them. On November 22, 1299,<sup>2</sup> a grant under the great seal was made to one William Garlaunt of certain lands. It was entered on the Memoranda Roll by mistake, but the exchequer was at first disposed to make a stand, 'and because that charter emanated from the chancery, according to the custom of the chancery it should be enrolled there, and in the estreats of the Fine Roll of the chancery<sup>3</sup> be delivered here at the year's end. The said William is not to be held accountable by virtue of those estreats but of this Roll. Afterwards the same charter was returned among the estreats of the chancery, so that nothing is to be done here. It ought not to have been entered here.' This system of the exchequer appointing sheriffs, curiously enough, is in form a reproduction of the system which prevailed for the years 1258 to 1260, having been introduced by the Provisions of Oxford. The story will be found on the Lord Treasurer's Remembrancers' Memoranda Roll for 1258 to 1259. The sheriffs were chosen by the King in Council, and were summoned to come to the exchequer and receive the keepership of their counties in the form lately provided. At this date the exchequer seems to have been on the Baron's side, and the Chancery on the King's. The Chancellor is forbidden to consider himself responsible to the King only. He is to seal no writs but those of course on the King's sole command, but only on an order by the Council.

At the time of the Provisions of Oxford the exchequer, being much the more highly organised of the two departments, might well have seemed to De Montfort to be the better fitted to act as a check on the Royal caprice, and, as the depart-

<sup>1</sup> *L.T.R. Memoranda Roll*, 12 to 13 Ed. I.

<sup>2</sup> *Ibid.* 27 to 28 Ed. I.

<sup>3</sup> *In extractis finium de Cancellaria*, the Chancery name for the portion of the Originalia Roll, which consists of estreats from the Fine Roll.



ment of Finance, on the Royal extravagance. Edward I., who seems to have adopted and adapted many of De Montfort's ideas, being a strong king and a money-making king, may perhaps have thought that the stronger department would make the handier instrument. At any rate, the assumption of independence of the chancery on the part of the exchequer cannot well be explained by the relative personalities of officials. The date of the change corresponds nearly with that of the appointment of a new Treasurer, one John de Clancy, of whom hardly anything is known. It is true that Burnell the Chancellor was in France, and it is of course possible to regard the change as one intended to lighten the work of the chancery, at the time, doubtless, largely occupied with preparations of fresh legislation. But the sheriff's office was much too important at the time to make any such explanation very likely. Although one of the Provisions of Oxford was intended to make the office an annual one, it did not become so until more than a century later. The choice of sheriffs is a point always prominent in the political struggles of the century. Henry III.'s barons appointed one set and the King another. The great Exchequer Scandals of 1289 involved an almost complete change of sheriffs. The same occurred when the Lords Ordainers came into power. Foremost amongst the petitions of the parliament of 12 Edward II., was one for the removal of all the sheriffs except in a few northern counties. The petition was granted and the changes made.

In fact, it may safely be asserted that during the thirteenth and the first quarter of the fourteenth centuries, any general change of sheriffs is equivalent to a very rapid fall in the political barometer.

The motive of Edward or of Clancy, whoever was responsible for the change, may perhaps have been the desire to maintain the system of getting grants of money to the Crown passed in the separate county courts, instead of having to appeal to the representative body of the whole country assembled in Parliament. This system gradually

passed away between the years 1282 and 1295.<sup>1</sup> There can at any rate be little doubt that the leading motive of the measure was financial. Its effect was to cause the King to be represented throughout the country, and the home policy of the Government to be carried out by men much more concerned with the filling of the Royal purse than with the awakening of the Royal conscience. The exchequer on its judicial side was little inclined to listen to complaints against its own nominees. Even the grave scandals of 1289 failed to upset the system. But complaints were too constant to allow us to attribute to any merely political or personal bias the preamble of the Statute of Lincoln, which recites as the reason for its change in the system of appointing sheriffs the continual oppressions and dissensions suffered by the people through the appointment of unsuitable men to the office. The new sheriffs are not to be merely the servants of the department primarily concerned with the collection of revenue and with the assertion of the King's rights as against the people. They must be landholders in their counties. For, indeed, during the reign of Edward I., there seemed to be some likelihood of the exchequer officials stepping into the place left vacant by the expulsion of the Jews. The immense fortunes amassed by men like Adam de Stratton, and his subsequent fate, suggest that it may have been part of Edward's policy to raise up an official aristocracy to gather from the people, and to be themselves plucked when ripe.

In the orthodox view of the relations of the two great mediæval departments, the chancery and the exchequer, too little importance appears to have been attached to this partly reactionary policy of Edward I. and his treasurers. The chancery has usually been regarded as uniformly paramount from the time when it first came into existence.<sup>2</sup> 'The chancellor is the principal Secretary of State for all depart-

<sup>1</sup> Stubbs, *Constitutional History*, ii. 243.

<sup>2</sup> Possibly this opinion is partly due to the relative accessibility to modern students of the information contained in the records of the two departments. Calendars and indexes to Chancery records are comparatively abundant, but it is not very easy to find anything you want in Madox.

ments. The chancery does nearly all the King's writing for him, whether such writing concerns foreign affairs or the government of England. The chancery is a general secretarial bureau which exercises a certain control over the only other great official department that there is, namely, the exchequer. Thus when the King is surrounded by the masters or principal clerks of the chancery he has at his side the men who know most about the way in which England is governed.<sup>1</sup>

When Professor Maitland and Bishop Stubbs are in agreement, a mere rank and file student of history feels that an apology is needed if he hesitates to follow them. But was the chancery always so absolutely supreme and officially omniscient? Both departments were under the control of the King and Council, both departments refer to the King, or the King and Council, as authority for their acts. In very many cases the chancery serves as the channel to convey the expression of the Royal will to the exchequer, more especially in matters discussed in Parliament; in such cases the normal procedure is, of course, for the council to instruct the chancellor to issue a writ directing the exchequer to perform certain acts. The writ is enrolled on the Close or Liberate Roll of the chancery, and again upon the Memoranda Roll upon receipt at the exchequer. Or in the case of an appointment affecting the exchequer, the commission is made out under the great seal upon the authority of a privy seal or similar warrant. It is enrolled on one of the chancery rolls. With other similar matters, it is copied in the chancery on to a roll or apparently on to detached membranes; these membranes are labelled in the chancery Estreats or extracts of the fines, extracts of the re-disseisins, and in later times also extracts of the patents, &c. At the end of the year they are sent into the exchequer, where they seem to have been bound up in exchequer fashion, *i.e.* in the form of a file, not of a reel, and to have received the name of originals. But the King and Council, more particularly the King, could

<sup>1</sup> *Memoranda de Parlamento* 1305; Introd. p. xxxvii.



and did every year communicate directly with the exchequer, by writs or letters under the Privy Seal. Plenty of such will be found enrolled on the Memoranda Rolls of any year, not having passed through the chancery at all. They usually deal with financial matters, but occasionally we find the exchequer upon such authority doing work which would now be done at the Admiralty, or War Office, and we even find the exchequer used by the King as a channel of communication with the chancery. King Edward I.<sup>1</sup> in the twenty-sixth year of his reign, sent letters of Privy Seal to the treasurer and barons with a letter enclosed from Reginald de Grey about raising foot for the war in Scotland. The treasurer is instructed to direct the chancellor to make out a commission under the great seal empowering De Grey to raise foot in Lancashire and Cheshire. The barons of the exchequer in 14 Edw. I. were charged with negotiating matters in dispute with Flanders. The exchequer acted as an Admiralty Court, enquiring as to ships captured from the French before and after a truce. On the other hand, besides the right of appointing sheriffs, the exchequer could issue letters patent under the seal of the exchequer which are enrolled amongst the *Brevia retornabilia et irretornabilia*, for such purposes as to order ships to bring the King back to England, or to licence foreign merchants to trade in England. Instances occur of petitions to the council being referred direct to the exchequer.<sup>2</sup> A great many such petitions are still amongst its records, just as those which were sent in bundles to the chancery remain amongst the chancery records. The circumstance that very few of these exchequer petitions appear from the handwriting to be of a later date than Edward I. or the first few years of Edward II., is of course in itself not conclusive. But the fact, as far as it goes, seems to admit of an explanation which is certainly the explanation of a number of other facts, viz.: That under Edward I. the exchequer was officially co-ordinate with the chancery and

<sup>1</sup> Madox, *History of the Exchequer*, edit. 1711, pp. 614, 617.

<sup>2</sup> Case of Cecilia de la More, 26 Ed. I.



in practice often superior, but that during the reign of Edward II. the chancery obtained more and more control over its rival.

Throughout the period the exchequer must have possessed the greater amount of administrative information, at least in matters relating to England. Officially the chancery would only know that a certain man was appointed on a certain day to do a certain thing. His account of his stewardship would be rendered to the exchequer. Practically there is very little information in any chancery record that cannot be found in the exchequer. There is a great deal of information in exchequer records which cannot be obtained from any chancery document. This remained true even long after the period of our Parliament. In 1344 it was enacted by statute that gold and silver were to be coined at York. So far the chancery records. From the exchequer we learn that no gold was coined at York at all, and no silver even for several years after the passing of the statute. In the reigns of Edward I. and II. it is, as we might expect, much more common to find searches ordered in exchequer than in chancery documents.<sup>1</sup> The keepers of the exchequer records were very tenacious of their charge. On January 25, 1298, Brabazon obtained a writ under the great seal, directing the exchequer to send under the exchequer seal the record of a process into the King's Bench. The treasurer and barons had the writ endorsed as follows: '*Per istud breve nichil debet fieri; quia recorda de hiis que fiunt in Scaccario non debent alicubi coram quibuscunque justiciariis extra idem Scaccarium mitti, nec unquam a fundatione Scaccarii mitti consueverunt: sed si justiciarii quicunque ad explanationem placitorum que coram eisdem justiciariis placitantur super hiis que in Scaccario pertractantur seu fiunt necesse habeant certiorari, debent ad Scaccarium venire, et ibidem ad requisitionem justiciariorum illorum per Thesaurarium et Barones debent super premissis certiorari prout iidem Thesaurarius et Barones viderint pro Rege fore faciendum.*' In the council, of course, the exchequer

<sup>1</sup> Madox, p. 563.

was represented as well as the chancery. Walter de Langton, whom we might almost call Edward's second great prime minister, was treasurer, Burnell his first was chancellor. The succession of offices is, I think, no less significant than the succession of men.

There is another problem on which the above-sketched theory of the relations of the two departments appears to throw some light; the question of the place of deposit of the early Parliament Rolls and of the origin of the book called the 'Vetus Codex.' The editors of the printed books called the Rolls of Parliament drew from very various sources, and the references given are not very explicit. Sometimes the printed account of the proceedings of a parliament is taken from a MSS. copy of a Parliament Roll properly so called, sometimes from the roll itself, sometimes from the 'Vetus Codex': often some of the batches of the petitions dealt with at a particular parliament, and forwarded into the chancery, have formed the only material. Now the meeting of a parliament does not necessarily imply the drawing up of a Parliament Roll, *i.e.* a permanent enrolment of the matters dealt with at that parliament. The evidence which we have does not seem to indicate that many or any Parliament Rolls have been lost or destroyed. For the 'Vetus Codex,' which on any theory must have been drawn up in the reign of Edward II., and which is a carefully made copy of various Parliament Rolls, does not contain the matter of any roll of which the original has not been preserved. It has a numbered table of contents. All the rolls mentioned in that table of contents are Parliament Rolls found in the exchequer, *viz.* the rolls for the reign of Edward I. and the roll for the twelfth year of Edward II. The Memoranda Rolls for the last year bear witness to what might be called a recrudescence of exchequer activity. The earliest Chancery Parliament Rolls, those for the fifth, eighth and ninth years of Edward II., are not contained in the book. It does, however, now contain, bound up in a wrong place, the matter found on the roll for the fourteenth year of Edward II. This roll is now in the chancery series, but the

history of it is doubtful. May it not be that the original book, which Professor Maitland<sup>1</sup> has shown to have belonged to the treasurer and to have been at least on one occasion borrowed by the chancery, was drawn up in the exchequer for loan to the chancery when the Tower, the place of deposit for chancery records, came to be regarded as the proper place for preserving Parliament Rolls?

The unpopularity of the exchequer during the latter years of Edward I. and the beginning of Edward II. must be patent on the briefest examination of records. The department had become identified in the eyes of the people with all that was most disagreeable in the royal prerogative. Its special mission was always of course to guard the royal interests, and it interpreted its duties in the strictest manner, at any rate against outsiders. Its head, Walter de Langton, the treasurer, was personally obnoxious to Edward II., who removed him on succeeding to the crown, but who did not appoint any efficient successor. Both public and personal causes probably operated with Archbishop Winchelsea, the personal enemy of Langton, and a leader among the lords ordainers. By the inherent necessities of his position the King was afterwards driven to recall Langton, but not in time for any aid he could give to be effectual. The day of the exchequer had gone by. Henceforth it was to confine itself strictly to financial matters, and to be content with a subordinate position. But what it lost in extension it gained in definition, although on its judicial side it was impelled to enter with the Courts of King's Bench and Common Pleas into that competition for general legal business which was the source of so many legal fictions and of so much of the proverbial obscurity of English law procedure.

The policy of Edward I. in regard to the exchequer, notwithstanding its failure, is capable of being viewed as a means to an end, which, whether present or not to the minds of that King and his advisers, has steadily gained in estimation in the history of statecraft. It would hardly be an

<sup>1</sup> *Memoranda de Parlamento* 1305; Introd. p. x.

exaggeration to say that the foremost considerations in the mind of every modern statesman are financial. It is the costliness of war that keeps the peace. It is so much cheaper to count heads than to break them. The control by the exchequer over the administration, at which Edward I. appears to have aimed, has certain analogies in our own day to the control of the treasury over the other public departments, to the arrangement which makes the first lord of the treasury once more, as in the days of Walter de Langton, the head of the Government. The change, of course, has been in the interests guarded. The nation with the sovereign as its representative has replaced the sovereign as opposed to the nation.



## EARLY COLONIAL CONSTITUTIONS.

By J. P. WALLIS.

OUR own constitutional history has been studied, and is still being studied, with all the thoroughness and patient care demanded by so great a subject. On the other hand, the early constitutional history of our colonies has attracted less attention than it deserves. Probably this is because the shadow of a great failure hangs over it; if alluded to at all, it is only to point a moral at the folly which lost the American colonies. And yet a system which, with all its shortcomings, played so large a part in preparing the way for the constitution of the United States, and for our own colonial empire as it at present exists, is certainly worthy of investigation. English colonial government may be said to have been founded in the American colonies, but not to have attained its full development, if it has yet done so, until after their separation. It is, therefore, not surprising that such attention as the subject has recently received should have been devoted to it by American rather than by English writers. I propose to-day to deal with the early forms of government established in the colonies, and to point out how some of them, as in Massachusetts, were calculated from the outset to make for separation, while others, as in Virginia, lent themselves readily to maintaining the connection with the mother country, and are still used in our existing colonies.

It is, indeed, a shallow view, still too widely prevalent, which would attribute the separation of the American colonies solely to the blunders of George III. and his advisers. Mutual misunderstandings arising from distance and difficulties of communication—difference in religious sympathies, one of the great Protestant parties having triumphed in

England, the other in the colonies ; the strain of an unworkable commercial system ; colonial aspirations for independence—these and other causes must all be taken into account, and among them the legal and constitutional relations of the mother country and the colonies, as they had gradually shaped themselves in the course of a century and a half. To illustrate the nature of these relations I propose on the present occasion to refer to the royal or provincial system of government in Virginia, and the chartered government of Massachusetts.

It must be admitted that when our ancestors started to build up a colonial empire in the beginning of the seventeenth century, they had but a scant equipment of legal principles to guide them in the task. Parliament, of course, in its omnipotence might have provided the nascent colonies with ready-made constitutions at the very outset, but it is a remarkable fact, pregnant with grave consequences, as I shall have occasion to point out, that Parliament took little or no part in the early work of colonization. I believe I am correct in saying that the earliest legislative interference of Parliament with the colonies was the Protector's Navigation Act. It was from the Crown alone that our early colonial constitutions derived their legal existence. It therefore becomes important to inquire what were the powers of the Crown at common law for the establishment of government in the colonies. In this, as in so many other questions, the common law at first had no very certain answer to give, but managed in the course of time to secure acceptance for certain rules and principles, which became a recognized part of our constitutional law. So far, Ireland, I mean the Anglo-Norman settlement there, was our only colony. The policy pursued from the outset had been to give it institutions similar to our own. Wogan's Parliament in Ireland was contemporaneous with our own model Parliament of Edward I., but the Irish Parliament had acknowledged its dependence on England in the reign of Henry VII. by passing Poynings' Law, requiring that Irish Bills should receive the sanction of the English

Privy Council before being submitted to it ; and the claim of the English Parliament to legislate for Ireland had been put forward by high authority in England, but had not yet secured acceptance in practice. Another mark of dependence was the appeal from the King's Bench in Ireland to the King's Bench at Westminster, and so to the English House of Lords.<sup>1</sup>

As has often been pointed out, the whole of our colonial system is based upon the old feudal principle, that allegiance is inalienable. English colonists could not, like the Greeks, set up independent communities for themselves, bound only to their metropolis by ties of affection and common origin. They could not acquire new territories except for the Crown, or enjoy lands in them under a legal title except by grant from the Crown. To go beyond the seas at all without the King's licence was illegal, except in case of merchants trading to foreign parts. But if we want to examine in greater detail the prevailing legal ideas about colonization in the reign of James I., we cannot do better than examine the three Virginia patents granted during his reign, under which our first colony was planted.

One of the promoters of the first patent, in 1606, was Chief Justice Popham ; before it passed the Great Seal it must have come before Attorney-General Coke and Solicitor-General Doderidge, while the Great Seal itself was affixed by Lord Chancellor Ellesmere, so that the patent was in turn submitted to four of the greatest lawyers of the age. The letters patent were granted to Sir Thomas Gates and others 'suitors to his Majesty for licence to make habitation and plantation, and to deduce a colony of our people into Virginia and other parts in America appertaining to his Majesty, or not actually possessed by any Christian prince or people.' Each of the two contemplated colonies was to have a council of thirteen persons to govern all matters within the colony according to

<sup>1</sup> Irish appeals first went to the King in Council ; when the jurisdiction of the King in Council came to be divided between the King's Bench, the House of Lords, and the Privy Council, writs of error from Ireland lay to the King's Bench,

royal instructions, and to be nominated by the Crown ; and there was to be another council of thirteen persons in England, also nominated by his Majesty, for the superior direction of the said colonies. Power was given to the patentees to dig for gold and silver, paying one-fifth part to the Crown, to transport colonists and all necessaries, and to charge  $2\frac{1}{2}$  per cent. to all native, and 5 per cent. to all foreign traders to the colonies, the proceeds to be employed for use of the plantations for twenty-one years, and afterwards to the use of his Majesty. The inhabitants of said colonies and their children were to enjoy 'all the liberties, franchises, and immunities within any of our other dominions, to all intents and purposes as if they had been abiding and born within this our realm of England, or any other of our said dominions. The Crown undertook, on the advice of the council, to make grants by patent of lands in the colonies 'to be holden of us, our heirs, successors, as of our manor of East Greenwich in the county of Kent, in free and common socage only, and not in capite.'

This patent, it will be observed, assumes the right of the Crown to legislate for the colonies, and make grants of land there. It says nothing of representative institutions for the colonists, and makes no allusion to the authority of Parliament. It says nothing of the status of the colonists in the new colonies. In spite of these omissions, the colonists were not unfairly dealt with. On November 20, 1606, the Crown put forth 'Articles, instructions, and orders, made, sett down, and established by Us, &c. for the good order and government of the two several colonies and plantations.' This scheme appointed a King's Council of Virginia, with power and authority to give directions to the Councils of the several colonies 'for the good government of the people to be planted in those parts, and for the good ordering and disposing of all causes happening within the same, and the same to be done for the substance thereof, as near to the common laws of England and the equity thereof as may be.' Trial by jury was prescribed in capital cases, and the local councils in Virginia



were empowered to make constitutions and ordinances, provided that they did not touch anyone in life or member, and were consonant to the laws of England and the equity thereof.

Such was the earliest scheme of government for the colonies. Three years later, in 1609, there was substituted for it a second patent, making over the government to a chartered company, which was incorporated by the name of the Treasurer and Company of Adventurers and Planters of the City of London for the First Colony of Virginia. There was to be 'perpetually a council here resident in London' for the government of the colony. The patent appointed Sir Thomas Smith the first treasurer, and named the members of the first council, but for the future they were to be elected by the members of the company.

This council in London were to have power to constitute and discharge governors and officers, and to make and revoke 'all manner of orders, laws, directions, instructions, forms and ceremonies of government and magistracy fit and necessary for and concerning the government of the said colony and plantation,' and also upon the seas, going and coming. Power was given 'to punish and govern all that shall adventure in any voyage thither, or inhabit the said colony, according to such orders, ordinances, constitutions, directions, and instructions, as by our said council as aforesaid, shall be established, and in defect thereof in case of necessity according to the good discretions of the said governor and officers respectively, as well in cases capital and criminal or civil, both marine and other, so, always as the said statutes, ordinances, and proceedings, as near as conveniently may be, be agreeable to the laws, statutes, government, and policy of this our realm of England'; also, power 'to exercise martial law in cases of rebellion and mutiny in as large and ample a manner as our lieutenants in our counties within this our realm of England, have, or ought to have, by reason of their commissions of lieutenancy.'

The power of legislating for Virginia was thus delegated by the Crown to the council of a commercial company resident

in London, but with the restriction that the punishments they imposed were to be agreeable to the laws of England.

Once more the colonists themselves had no voice in their own government, and the patent is silent about the authority of Parliament.

This system of entrusting the government of a colony to a commercial company who were to find the capital for planting it, and in return to enjoy a monopoly of its trade, was destined to enjoy a very short life in the colony of Virginia ; but in the case of the Bermuda Company, constituted a few years later, it was applied for many years. As late as the eighteenth century the government of the new colony of Georgia was entrusted to a council in London, and during the great controversy as to the power of Parliament to tax the colonies, it was urged that Georgia had for years been taxed without objection by a few merchants meeting in a coffee-house in London.

The Virginia Patent of 1609 was followed by a new patent in 1612, enlarging the boundaries of the colony, but not substantially altering the system of government in force. Attention has already been called to the fact that the early colonies were settled without the intervention of Parliament. In the Addled Parliament of 1614, we find that a member was moved to question the grant of 1612, and to express a wish that the patent might be damned and an Act of Parliament passed for the government of the colony by a company. Looking back now, it is easy to see that, had the early constitutions of the colonies been established by Acts of Parliament from the first, there would have been no room for the fierce controversy as to the legal power of Parliament to tax and legislate for the colonies, although of course the expediency of such a course would still have been left open to question. As it was, the popular leaders in America were able to deny with some speciousness that Parliament had any right to tax or legislate for them.<sup>1</sup>

<sup>1</sup> See the far-fetched arguments used on both sides in the discussion between Governor Hutchinson and the Massachusetts Legislature, reprinted in Mr. J. K. Hosmer's excellent 'Life of Governor Hutchinson,' Boston, 1896.

To return to the development of colonial institutions in Virginia. There is still extant and printed in Force's Collections the code of laws, military and martial, by which Sir Thomas Dale, the governor appointed by the Company, enforced order in the colony. It was a harsh code of martial law borrowed from the military code in force in the Netherlands Army, and scarcely agreeable to the laws of England according to the requirements of the patent. It continued in force so long as Sir Thomas Smith, the famous merchant and founder of the East India Company, was Treasurer of the Virginia Company. Some years after it had been abolished, when there was a fear of its revival, the colonists sent home a quaint petition asking that the king would send out commissioners and have them all hanged at once rather than again subject them to its rigours.

So far the colonists themselves had been without a voice in their own government. We now come to the introduction of Parliamentary institutions. The old Virginian historian, speaking of the year 1619, records that in this year an Assembly 'broke out' in Virginia, and the phrase has been taken to mean that the colonists spontaneously asserted for themselves the right to free institutions such as they were familiar with at home. The discovery in the Record Office some forty years ago of a contemporary account of the first colonial Parliament at Jamestown has destroyed this legend, and shown that credit for the introduction of Parliamentary institutions into the colonies is due, not to the colonists themselves, but to the enlightened action of the Virginia Company at home, under the inspiration of Sir Edwin Sandys. In 1618 Sir Edwin Sandys succeeded Sir Thomas Smith as Treasurer or Governor of the Company, and we read<sup>1</sup> that the Governor and Company of Virginia made a great charter of laws and ordinances for the government of the colony. It bore date at London November 13, 1618. I have sought in vain to discover whether any copy of this great charter of laws and ordinances has been preserved, either

<sup>1</sup> S. P. Col. vol. i. No. 11.

among the records of the Virginia Company now in the Capitol at Washington or elsewhere. The instructions to the governor, Sir George Yardley, who went out with the charter and ordinances, have recently been printed in the 'Virginia Magazine of History,' vol. ii., but the charter itself would be of far greater historical interest as laying the foundation of free institutions in the colonies, whereas the instructions only relate to the commercial affairs of the colony.

We have therefore to go for our information to the account of the first Assembly sent home by its Speaker to the Company in London.<sup>1</sup> Although it may be familiar to some of my hearers, it will repay quoting. He begins with an objection taken to one of the members, from which we learn that 'the commission for authorising the general assembly admitted of two burgesses out of every plantation,' and that there was some question as to whether Captain Warde's plantation was included as not having been founded under the authority of the Company. The narrative proceeds:

'The Speaker then read to them the commission for establishing the Council of Estate and the General Assembly, wherein their duties were described to the very life.'

This is the commission which it would be so interesting to have, for the constitution thus provided of Governor, Council of State, and General Assembly supplied the model followed in all our leading colonies at the present day.

The account proceeds:

'Having thus prepared them, he read over unto them the great charter or commission of privileges, orders, and laws sent by (by the hands of) Sir George Yardley out of England, which for the more ease of the committee having divided into four books, he read the former two the same forenoon for expedition's sake a second time over, and so they were referred to the perusal of two committees who did reciprocally consider of either, and so brought in their opinions. But some may here object, to what end we should presume to refer to committees that which the Council and Company in

<sup>1</sup> 1 S. P. Col. 45.



England had already resolved to be perfect, and did expect nothing but our assent thereto. To this we answer that we did it, not to correct or control anything therein contained, but only in case we shall find aught not perfectly squaring with the state of the colony, or any law which did press or bind too hard, that we might by way of humble petition seek to have it redressed, especially as because this great charter is to bind us and our heirs for ever.'

The account goes on that the governor proposed four objects for the assembly to consider on.

1. The great charter.

2. What instructions given by the Council in England to former governors should put on the habit of laws.

3. What laws might issue out of the private concept of any of the burgesses.

4. What petitions were fit to be sent home for England.

It would thus appear that the instructions already given by the Council in England required to be confirmed by the Assembly.

The Speaker proceeds :

'These petitions thus concluded, these two committees brought in a report what they had observed in the two latter books, which was nothing else but that the perfection of them was such that they could find nothing therein subject to exception.

'At the same time, there remaining no further scruple in the minds of the Assembly touching the said great charter of laws, orders, and privileges, the Speaker put the same, and so it had both the general assent and applause of the whole Assembly, who, as they professed themselves in the first place most submissively thankful to God therefor, so they commanded the Speaker to return (as now he doth) their due and humble thanks to the Treasurer, and Counsell, and Company in England for so many privileges, as well in their own name as in the names of the whole colony whom they represented.

'These being despatched we fell once more to debating of such instructions given by the Counsell in England to the

several governors as might be converted into laws, and the last whereof was the establishment of the price of tobacco. . . .

‘In conclusion, the whole Assembly commanded the Speaker, which he doth, to present their humble excuses to the Treasurer and Council and Company in England for being constrained by reason of the intemperance of the weather and the falling sick of divers of the burgesses to break up so abruptly before they had so much as put their laws to the engrossing. This they wholly committed to the fidelity of the Speaker, who therein (his conscience tells him) hath done the part of an honest man. Otherwise he would easily be found out by the Burgesses themselves, who with all expedition are to have so many books of the said laws as there are plantations and incorporations in the colonies.

‘In the second place, the Assembly doth most humbly crave pardon, that in so short a space they could bring the matter to no more perfection, being for the present enforced to send home titles rather than laws, propositions rather than resolutions, attempts than achievements, hoping their courtesy will accept our poor endeavours, and their wisdom will be ready to support the weakness of this little flock.

‘Thirdly, the General Assembly doth humbly beseech the said Treasurer, Counsell, and Company that, albeit it belongeth to them only to allow or abrogate any laws which we shall here make, and that it is their right so to do, yet that it would please them not to take it in ill part if these laws which we have now brought to light pass current and be of force till such time as we may know their further pleasure out of England, for otherwise this people, who now at length have got the reins of former servitude into their own swindge, would in short time grow so insolent as they would shake off all government and there would be no living among them.

‘The last humble suit is that the said Counsell and Company would be pleased, as soon as they shall find it convenient, to make good their promise to set down at the conclusion of their commission for establishing the Counsell

of Estate and the General Assembly, viz. that they will give us power to allow or disallow of their orders of Court, as His Majesty has given them power to allow or reject our laws.'

Such is the account which has come down to us of the first Assembly of Virginia.

Though the commission from the Company is not, so far as I know, extant, we have what would appear to be a reissue of it in 'An Ordinance and Constitution of the Treasurer, Council, and Company in England for a Council of State and General Assembly. Dated July 24, 1621,' some two years after the calling of the first Assembly, printed in Stith's 'History of Virginia.' It provides that there shall be 'two Supreme Councils in Virginia for the better government of the said colony. "The one of which councils to be called the *Council of State* (and whose office shall be assisting with their care, advice, and circumspection to the said governor," This Council was to be nominated by the Treasurer and Council of the Company, and to attend to the propagation of the Gospel, and the "erecting of the said colony in due obedience to His Majesty and all lawful authority from His Majesty's directions."

The other Council 'more generally to be called by the governor once yearly, and no oftener but for very extraordinary and important occasions, shall consist for the present of the said Council of State and of two Burgesses out of every Town, Hundred, or other particular plantation to be respectively chosen by the Inhabitants. Which Council shall be called the General Assembly'—with power to make laws, &c.,—'where, as in all other things, we require the said General Assembly as also the said Council of State, to imitate and follow the Policy of the Form of Government, Laws, Customs, and Manner of Trial, and other administration of Justice used in the Realm of England, as near as may be, even as ourselves by his Majesty's Letters Patent are required.

'Provided that no Law or Ordinance shall be or continue in Force or Validity until ratified in a General Court of the Company in England and returned under their Seal.

‘It being our intent to afford the like measure also unto the said colony, that after the government of the said Colony shall once have been well framed and settled accordingly, which is to be done by Us, as by authority derived from his Majesty, and the same shall have been by us so declared, no Orders of Court afterwards shall bind the said Colony unless they be ratified in like manner in the General Assemblies.

‘In witness whereof. 24th day of July, 1621.’

The contents of this ordinance correspond so closely with the description of the commission for calling the first Assembly given by the Speaker that we can scarcely be wrong in regarding it as a reissue.

Thus to Sir Edwin Sandys and the Virginia Company in London belongs the credit of laying the foundation of representative institutions in the colonies by establishing a local government consisting of a Governor, a Council, and an elective General Assembly, all, however, being subordinate to the Company in London, in accordance with the provisions of the patents.

Having given to Virginia the scheme of government which was destined to form the model of our colonial governments, the Virginia Company had done its work. This is not the place to tell the story, so far as we can re-constitute it by the aid of the Colonial Calendar and the Manchester Papers, of its downfall and disappearance. While disaster fell upon the colony in Virginia at the hands of the Indians, the Company at home was rent by factions, headed on the one side by Sir Thomas Smith, the first Governor, and on the other by Sandys. Objection was taken to the ‘democratical and tumultuous nature of its government,’ alluding rather to the meetings of the Company in London, attended by some two hundred out of its one thousand members, than to the affairs of the colony. Sandys was also accused of being ‘opposed to monarchical government in general and of designing to make a free popular state there, and himself and his assured friends to be the leaders.’ But the quarrel raged chiefly over the management of the colony. James referred the



matters in dispute to the Privy Council, and in the meantime, ordered a truce. Another meeting was, however, held, full of 'the most grievous calumnies and reproachful accusations,' heard, we are told, by many strangers placed in a latticed gallery. For this disobedience to the Order in Council, Sir Edwin Sandys and some of his supporters were confined to their houses. The Company having refused to surrender the patent and accept another saving their proprietary rights but yielding up the power of government to the King, proceedings were taken to vacate the patent by *quo warranto*, and in 1624 judgment was given against the Company, and the King took the government into his own hands.

But though the company was dead, its work survived in Virginia, and set a model for other colonies. Henceforth the governor of Virginia was appointed by royal commission under the great seal, delegating to him certain powers of the Crown for the government of the colony, which commission was published in the colony. He also received instructions which were intended for his private guidance in the exercise of the powers entrusted to him by his commission. The commission, also, nominated a Council of State, by whose advice the governor was to act. I have examined the early Virginian commissions and instructions in the Record Office, without finding any direct instructions to call an Assembly, but Assemblies continued to be called without any serious intermission. Later on, it became the custom to insert in the governor's commission power to call an assembly, while his instructions contained directions to the governor as to giving and refusing his assent, or reserving the laws passed for the pleasure of the Crown to be taken. These commissions and instructions given to a new governor on his appointment formed the only constitutions of Virginia and many other colonies, and are still the only constitutions of some at the present day. In the Jamaica case, in Charles II.'s reign, the question arose whether constitutions so granted were revocable,<sup>1</sup> but in *Campbell v. Hall* Lord Mansfield held that,

<sup>1</sup> See S. P. Col. (1677-1680).

even in the case of a conquered colony like Grenada, by issuing such a commission the King had precluded himself for ever from exercising legislative authority over the island.

In Virginia, under this system, the Governor, Council, and Assembly reproduced the King, Lords, and Commons of England. The Executive was in the governor by delegation from the Crown. The Council exercised a twofold function, advising the governor in the executive government and forming a part of the legislature. It was not until 1680 that it began to sit apart from the assembly as a separate legislative chamber.

The Governor, Council, and Assembly, to use Mr. Dicey's modern expression, were a subordinate law-making body. They could only make laws under the powers entrusted to them by the governor's commission and instructions. Their laws were subject to be disallowed by the Crown at home. If they exceeded the limit of their competence, they ought to have been treated as null in the colonial courts, and would certainly have been so treated in any appeal from the colonial courts to the Privy Council in England. The practice of appealing from the colonial courts to the King in Council appears to have been fully established, at least in the royal or provincial governments, in the reign of Charles II.

Some of our modern colonial constitutions have been established by Parliament, but they all reproduce the essential features of this system. It also largely influenced the framers of the United States constitution. At the same time this system of government did not attain its full development until long after the separation of Virginia, when the introduction of responsible government, as it was called, into the colonies, following the adoption of cabinet government in England, provided that the great legal powers reserved to the Crown as the Executive in the colonies should be exercised by ministers acceptable to the local legislatures.

Such was the early constitutional history of Virginia. Very different was that of Massachusetts, with which I now proceed to deal. As is well known, the Massachusetts charter of March 4, 1629, confirmed a previous grant of lands in

New England to certain persons who were incorporated and made one body politic in deed, fact, and name, by the style of the Governor and Company of Massachusetts Bay in New England, with perpetual succession, power to plead and be impleaded in the name of the company, and a common seal. The organisation of the new company closely resembled that of the old Virginian Company, and there can be little doubt that Charles I. and his advisers thought they were creating an English company which was to superintend the growth of the new colony and control the colonists from England.

The government of the company was vested in a governor, deputy governor, and eighteen assistants who were to be chosen out of the freemen of the company, a constitution resembling that of an ordinary English corporation. The governor and assistants were to hold a court once a month or oftener, according to their pleasure, and were to apply themselves to the ordering of the general business concerning the lands granted to them and the plantation thereof, and the government of the inhabitants therein. Four times a year there was to be a general court open to all the freemen of the company, which was to elect officers, and to make laws and ordinances for the good and welfare of the company, and also 'for the government and ordering of the said lands and plantation (that is, New England) and the people inhabiting or to inhabit the same.' Such laws were not to be contrary or repugnant to the laws and statutes of this our realm of England. The inhabitants were to have and enjoy all liberties and immunities of free and natural subjects within any of the dominions of the Crown.

The legislative powers of the company were further defined in a later part of the charter. The governor, assistants, and freemen assembled in general court were to make laws, statutes, and ordinances not contrary to the laws of our realm of England, 'as well for the settling of the forms and ceremonies of government and magistracy fit and necessary for the said plantation and the inhabitants there, and for naming and styling of all sorts of officers, both superior and

inferior, which they shall find needful for the government of that plantation, and the distinguishing and setting forth of the several duties, powers, and limits of every such office and place, and the forms of oaths, &c., as also for the disposing and ordering of the elections of such of the said officers as shall be annual, and for the imposition of lawful fines, mulcts, imprisonment, or other lawful correction, according to the course of other corporations in this our realm of England, and for the directing, ruling and disposing of all other matters and things whereby our said people inhabiting there may be so religiously, peaceably, and civilly governed as their good life and orderly conversation may win and invite the natives of that country to the knowledge and obedience of the only true God and Saviour of mankind, which, in our royal intention, and the adventurers' free profession, is the principal end of the plantation.'

All such laws, &c., to be published under their common seal and duly observed.

Finally, the officers of the company were to have full and absolute authority to correct, punish, pardon, govern all such subjects . . . according to the orders, laws, ordinances, instructions, and directions aforesaid, not being repugnant to the laws and statutes of our realm of England as aforesaid. March 4, 1629.

It is clear that, following the precedent of the Virginia Company, the charter designed the erection of a corporation in England, within the jurisdiction of the English courts and the English Parliament, to undertake the colonization of New England. There was no reservation of colonial laws for the consent of the home government, no provision for appeals from the colonial courts, or for ensuring obedience to the royal instructions, or obtaining recognition of the authority of Parliament. Some or all of these things we should have been sure to find, if there had been any idea that the grant was to be treated as made to the colonists themselves.

But, unlike the Virginia charter, the patent contained no directions that the monthly courts of the governor and



assistants, and the quarterly courts of the governor, assistants, and freemen should be held in England. As is well known, one of the first steps of the new corporation—and I am only repeating it to draw attention to the constitutional consequences—was to remove the charter secretly to New England and to treat it as a constitution granted by the Crown to the colonists there.

The governor of the company became the governor of the colony. The assistants of the company became the governor's council; a freeman of the newly-formed company came to mean a colonist admitted to the franchise. The result was that Massachusetts secured a democratic and republican constitution, in which the freemen had the power of electing their own magistrates and of making their own laws in the four general courts held under the charter. As it was impossible for all the freemen to attend the general courts in person, the custom was soon adopted of electing deputies for the different townships, who constituted a popular chamber under the name of the House of Deputies. Thus, without open violation, the charter had been ingeniously wrested from its original purpose to establish a colony practically independent and exempt from the control of the mother country.

True, the colonists still enjoyed all the rights of British subjects in any of the dominions of the Crown; the magistrates were empowered if not obliged to administer the oaths of allegiance and supremacy; the laws passed were not to be repugnant to the laws of England, and when the policy of the Navigation Acts was adopted by the mother country, and the colonies were declared to be bound by them, Massachusetts yielded a nominal assent. None the less, Massachusetts was practically an independent community. The magistrates charged with the execution of the laws were elected by the freemen of the colony, and beyond the control of the home government. The colony did not, like Virginia, send home its laws, nor were they subject to be disallowed by the Crown. The requirement of

the charter that they should not be contrary to the laws of England, vague at the best, was completely disregarded. There was no appeal from the colonial courts, and it was not likely that the governor, assistants, and deputies who formed the final court of appeal in the colony, would refuse to enforce laws which had emanated from themselves in their legislative capacity. It has often been remarked that the early legislation of the colony and its punishments were founded rather on the Old Testament than on the common law. In Church matters especially, the Church as by law established in England was not tolerated in Massachusetts before the Revolution. We find the feeling of the colonists voiced in the saying of one of their number after the Restoration, that so long as they paid to the Crown one-fifth of the gold and silver ore found in the colony (there being none of either ore) they were not bound to the King except by way of civility.

The scheme of government thus evolved by the inhabitants of Massachusetts from their charter lasted some fifty years, until the revocation of the charter in 1683; but the new charter granted by William III., while introducing a dependence on the Crown to a limited extent, reproduced many of the features of the former constitution, and above all, as may be seen in the last volume of Palfrey's history, there survived a tradition of independence which, I venture to think, played no small part in bringing about the final separation.

It is not my purpose here to estimate the various causes which led to that great event, but to point out that the early constitutional history of Massachusetts was not without its influence.

There is, however, another point of view in which the constitution of Massachusetts deserves to be studied. Virginia, like the modern British colonies, had an executive appointed by the Crown. Randolph reports to the Privy Council in 1676<sup>1</sup> that in Massachusetts the legislative power is seated in a general court, consisting of the governor, deputy governor, ten magistrates (the assistants of the

charter), and deputies from the towns, which is also the supreme judicature. The governor, deputy governor, and magistrates are chosen every year by the freemen of the colony, the deputies by the freemen of the towns (townships) which have more than twenty freemen.

That is to say the executive, the governor and magistrates, were chosen by direct vote of the freemen throughout the colony, just as the President of the United States, in fact, if not in theory, is chosen by direct popular vote throughout the United States. On the other hand the House of Deputies was chosen by constituencies, just as Congress is elected by constituencies at the present day.

It is well known that much of the Federal Constitution was suggested by previous colonial practice. We cannot say that on this point the old practice of Massachusetts was followed by the framers of the United States Constitution, for we know that they endeavoured to withdraw the election of the President from the people by interposing a college of presidential electors, whose functions have, by the practice of the constitution, become purely mechanical. We may, however, say that the practice in Massachusetts of vesting the choice of the executive in the whole electorate at large anticipated the practice of the United States in so vesting the choice of the President.

If the President and his ministers have not fallen into dependence on Congress, as the Crown and its ministers in England have fallen into dependence on the House of Commons under the cabinet system, this is due, not merely to the fact that the President's ministers have no part or place in Congress, for the dependence might have followed without that, but even more to the fact that the President, holding by the title of direct popular election, is strong enough to follow his own choice rather than that of Congress in the appointment of ministers and the direction of his policy.

This is one of the most fundamental distinctions between the English and American systems. The English system, the cabinet system, secures that the executive and the

popular branch of the legislature shall work in harmony. The American system has no security for this, but, on the other hand, it enables President and Congress each to check the other to some extent. This is not the place to compare the two systems, but there can be no doubt that the American method of securing a strong popular executive, independent of the legislature, is one of the most interesting solutions of that difficult constitutional problem, the relations of the executive and the legislature.

To return from this digression, Connecticut and Rhode Island afterwards fashioned for themselves governments on the Massachusetts model, which were confirmed to them by charters in the reign of Charles II., probably in the design of securing their support in his impending contest with the more powerful colony of Massachusetts.

There was yet another class of early colonial constitutions which we may pass over briefly. Such was the constitution of Maryland, which Charles I. granted to Lord Baltimore as a feudal principality, with all the rights, privileges, and regalities of a Bishop of Durham. In Maryland the law-making power was vested in the proprietary, with the consent of the freemen; but these proprietary governments, which sooner or later tended to come under the immediate government of the Crown, like Virginia, by the surrender of the proprietary rights, need not detain us further. For similar reasons we may pass over the pure democracy established by the Pilgrim Fathers at New Plymouth, which was afterwards absorbed in Massachusetts.

Some confusion seems to have existed at first as to the rights of settlers in the new colonies. On the one hand there was the doctrine affirmed in *Calvin's* case, that the King could make laws for conquered countries; on the other the natural feeling that British subjects did not forfeit their birthright by settling with the licence of the Crown in the new colonies.

Certainly the Crown granted powers of legislation over the colonies, both to corporations here and to local assemblies in



the colonies. In the case of Newfoundland, Noy gave it as his opinion 'in this acquired dominion I do conceive that His Majesty may give laws.' But, as has been pointed out, all such laws for the new colonies, even those made by direct royal authority under the first Virginia patent, were required to be, as near as may be, agreeable to the laws of England. In *Dutton v. Howell*<sup>1</sup> in the reign of Charles II. we find a distinction taken between settled and conquered colonies; the power of the Crown to legislate freely for the latter was never questioned; the former were treated as entitled to the benefits of the common law.

'The reason of a conqueror's power to prescribe laws is the conqueror's clemency in saving the lives of the conquered. Taking it, as the truth is, certain subjects of England by consent of their prince go and possess an uninhabited desert country, the common law must be supposed their rule as it was their birthright.'

This reasoning received judicial recognition in 1722. It was said by the Master of the Rolls to have been determined by the Lords of the Privy Council upon an appeal to the King from the foreign plantations, 'That if there be a new and uninhabited country found out by British subjects, as the law is the birthright of every subject, so wherever they go they carry their laws with them, and therefore such new-found country is to be governed by the laws of England.'<sup>2</sup>

On the other hand, the notion that the American colonies, were conquered colonies was apparent in the *dictum* attributed to Lord Holt in *Smith v. Brown*<sup>3</sup>: 'The laws of England do not extend to Virginia. Being a conquered country, their law is what the King pleases.' The question whether the Crown could legislate for settled colonies had not much importance, for we do not find that the Crown ever seriously delayed the grant of representative institutions to a colony, and in *Campbell v. Hall* Lord Mansfield held that even in a

<sup>1</sup> Shower's *Parliamentary Cases*, 32.

<sup>2</sup> 2 Peere Williams, 75-76.

<sup>3</sup> Salkeld, 666.

conquered colony the King, by granting an assembly, precluded himself from legislating directly. In our own day the question has been set at rest by the British Settlements Act of 1887, which gives the Crown power to legislate for new settlements which have not yet reached a sufficient stage of development to legislate for themselves.

The requirement of the charters that the colonial laws should resemble as near as may be the laws of England was one which it was very difficult for the Courts to apply, and does not appear to have had any great effect. It did not prevent the establishment of slavery in Virginia, or of a system of church government differing from the English in Massachusetts. It was abolished, even as a nominal restriction, by the Colonial Laws Act 1866.

A word may be said as to the way in which the colonial business was attended to at home. In April 1634, when it had become apparent to what lengths of independence Massachusetts was prepared to go, an extraordinary commission issued, appointing Archbishop Laud, Lord Keeper Coventry, Secretary Windebank, and others commissioners for the plantations, with powers to make laws and ordinances for the government of English colonies planted in foreign parts; to impose penalties and imprisonment for offences in ecclesiastical matters; to remove governors, appoint judges and magistrates, and establish courts; to hear and determine all manner of complaints from the colonies; to have power over all charters and patents and to revoke those surreptitiously issued. Owing to the troubled times which followed in England, and to the inaccessibility of the colonies, no serious attempt appears to have been made to put in force these formidable powers. Under the Commonwealth we find the Long Parliament, in 1650, putting forth the first clear and unequivocal claim of the right of Parliament to legislate for the colonies, and, a few years later, a committee of the Council of State was appointed for the plantations, and the first Navigation Act was passed by Parliament to give the mother country a monopoly of colonial trade, a system which had previously been put in

force in Virginia by means of royal instructions. Under Charles II., a Board of Trade and Plantations and afterwards a committee of the Privy Council looked after colonial affairs. The 'Calendar of State Papers, Colonial, America and West Indies,' now in progress, affords a mine of information as to their proceedings and the difficult colonial problems they were called upon to face.

It would be interesting, if time allowed, to trace by their aid the attempts to bring Massachusetts under the dependence of the Crown, which ended in the forfeiture by *quo warranto* of the Massachusetts charter. It would also be interesting to trace the fate of the attempt made in the reign of James II., after the forfeiture or surrender of the New England charters, to unite the English colonies in America into one government under Andros and a council. The Revolution of 1688 in England proved fatal to these attempts, and things reverted to their previous condition, with the exception that Massachusetts received a new charter considerably lessening the independence it had hitherto enjoyed. At the same time, the Board of Trade and Plantations was re-established, to superintend the colonies, a task which it exercised with great vigour down to the end of the American War. However, its power was limited to reporting and advising, and the Secretaries of State and Ministers persistently disregarded its recommendations and warnings, and the difficult colonial questions it was anxious to press upon them. It was only after Grenville had begun to read the colonial papers—a course which is said to have cost us the American colonies—that a separate Secretary of State was appointed for the colonies in 1768, and the office was again temporarily abolished after the American War, in the idea that our colonial empire was at an end. The same fate befell the Board of Trade and Plantations, which went down under the ridicule of Burke. Gibbon, who was one of them, tells us that 'the lords of Trade blushed at their insignificancy, and Mr. Eden's appeal to our two thousand five hundred volumes of reports served only to excite a general laugh.'

The American War left the power of Parliament to legislate for the remaining colonies firmly established, while the power of taxing them had been renounced in 1778. It was in 1774 that Parliament first gave a constitution to a colony by the Canada Act. Most of the colonies established since that time have derived their constitutions, at least in the first instance, from the Imperial Parliament. The source, however, is immaterial. They all follow the lines of the Virginian system—at least, so far as relates to the connection with the mother country. Otherwise each colony is free to alter its constitution itself, except that Canada cannot modify the terms of the Federation without coming to Parliament.

Thus we have seen that while the system adopted in Massachusetts contained no provision for preserving the connection with the mother country, the system adopted in Virginia, and since followed throughout the colonies, gave the colonists no sufficient control over their executive, which was nominated by the Crown. In this respect, however, they were in no way behind the mother country.

It is to be borne in mind that even in England in the seventeenth and eighteenth centuries ministers of the Crown were not dependent on Parliament as they are now. In the colonies the practice of voting the Governor's salary yearly, vainly protested against by the Crown, put him at the mercy of the Assembly, and he had often to choose between disobedience to the royal instructions and the loss of his pay, a state of things far from creditable. But, when the growth of the cabinet system had established harmony in England between the executive and the legislature by bringing ministers into dependence on the popular House, it was only natural that in due time a similar development should follow in the colonies. This was the work effected by Lord Durham in Canada in 1839, and since followed in all our leading colonies. It completed the extension to the colonies of constitutions similar to our own. The result has been to give us a system which secures at once the connection with the mother country and the local independence of the colony,



and which has worked on the whole with singularly little friction. I know there are aspirations for closer ties, with which one cannot fail to sympathize, but which present no small difficulties of execution. Whatever future awaits them, it must in any case be of advantage to understand how the existing system took its rise, and this consideration has led me to call attention to the legal and constitutional aspects of our early colonial history.



## EARLY CHRISTIAN GEOGRAPHY.

By C. RAYMOND BEAZLEY, M.A.

PRACTICAL and theoretical geography were at a low ebb between the conversion of the Empire and the Crusades ; but they had in themselves great possibilities. The time of sowing must not disappoint us if it fail to give a crop : in the age of the making of the modern nations we cannot expect the discovering instinct to show much activity. But if we wish to gain a proper understanding of the development of European Christendom upon the surface of the earth, we must begin with the origins. And these we find, as far as are necessary for our purpose, in the pilgrim-travellers and convent-maps and religious science of the centuries between Constantine and our own English Alfred.

For the sake of clearness, it is perhaps well not to go further back. From the conversion of the Empire to the sixteenth century the story of Christendom is unbroken ; the later Roman Empire is the Church-state of a Christian Prince, as much as the France of St. Louis, the England of Henry VII., the Spain of Ferdinand and Isabella. Mediæval Europe delighted to think of itself as the old world-state under religion ; the two main elements in our higher civilization were the same in the days of Constantine and of Columbus—the classical tradition and the Christian Church. And so, throughout this time, the expansion of European life, in discovery, exploration, and geographical knowledge, has a continuous history. But before the time of Constantine one of the main conditions of mediæval and modern life is unfulfilled, and it is open to question whether this religious difference alone does not constitute a real separation between

ancient and modern history. In exploration the mediæval Christian world certainly did not carry on the work of the ancient without a break ; much of that work had been partially forgotten or obscured in the century of pagan decline before Diocletian ; and in the break-up of the fifth and seventh centuries the whole matter was altered, the problem was recast, and the greater part of what was known to Augustus or to Trajan had to be learnt over again. The ancient mistakes of premature science, of reflection which had outrun observation, were lost in the general confusion, along with much of the ground really won. We do not find Europeans of the earlier Middle Ages following in the steps of Ptolemy—correcting his miscalculations, or dominated by his theories. Their geography is turned off upon a different path, and occupied with very different problems ; and it is not the lineal descendant of Greek thought in the same way as Arabic physics and metaphysics are the lineal descendants of Aristotle. The great names of ancient science have a vague, but not a very exact or penetrating influence upon Christian geography and exploration until the fourteenth century.

In any account, therefore, of mediæval travel, at least before the Crusades, it may be safe to treat the classical geography as a deposit rarely used, a legacy generally forgotten, though realised by some. From the modern point of view, it belongs rather to the literature than to the life of exploration in its slow development between the collapse of the old pagan society and the emergence of the Christendom which replaced it into a universal energy.

It was with the conversion of Constantine that Christian travel, in pilgrimage, really began. And this activity was largely unlike anything to be found in the pagan world of Greece and Rome, and different in many important respects from all similar movements in the pre-Christian Oriental religions, and in all those other forms of faith which have moved in a different orbit from the Roman Empire. Only in the greatest of the imitations or adaptations of Chris-



tianity, in Mohammedanism, does Christian pilgrimage find a real parallel. The journeys of pious Greeks to their oracles must be placed on quite a different platform—they went to get advice, rather than to worship relics of a divine visit to their world or to awaken a fuller appreciation of their faith, a fuller insight into the meaning of their sacred writings. The Jewish habit of going up to Jerusalem was undoubtedly one of the precursors of the Christian sentiment, and is in some ways a parallel to the Christian custom as settled in the fourth century. For the Hebrew idea of visiting the capital of a religious empire is also clearly seen in the travels of Western Catholics to Rome, in which relic worship was combined with more practical reasons. But the Palestine and other Levantine pilgrimages (like the Galician to Compostella) were mainly sentimental, and accordingly more liable to decay. As the practical interests encroached upon the ideal, the Eastern pilgrimages became of less and less importance; they were performed by a humbler and more ignorant and superstitious class: in the fifteenth century the ‘Information for Pilgrims’ and similar works cater for the lowest of the people, and in the sixteenth century the habit became comparatively rare. Columbus is rather a late case of a great man who makes the thought of pilgrimage practically important in his life. Yet the pilgrimages of pure sentiment lasted in considerable vigour for nearly twelve hundred years. They served as a powerful motive force, a very persuasive surface reason for the Crusades, whose real causes lay deep down in the life of the nations of the West. And during six centuries (A.D. 300–900), as we have always to remember, these religious travels represented the most active enterprise of Latin Christendom; they were performed, sometimes at least, by men with comparatively enlarged experience and knowledge; they were at bottom, whatever their incidental extravagances, evidences of energy rather than of superstition or folly; and their literature forms an eminently suggestive chapter in that great mass of writing which is, after all, the expression in speech, however incoherent, of

the coming races of the world, during a long period of their development.

Christian pilgrimage, like Christian preaching, was to a great extent a new thing ; and in it we must recognize, as we so often have to do in other developments, both earlier and later, that the secret of its strength was also the secret of its weakness. It was, above all things, due to a devotional impulse ; but the religious feeling which drove men from such great distances closed their senses to much of human life, to most things that lay not exactly in the path of their devotion, when they got so far. Thus what they tell us, of interest to our subject, is incidental and often, so to say, almost unintentional. The first pilgrims serve us as a sufficient type of all, and in their ranks are to be found the most enterprising of their class. The amount of secular information contained in their records is usually small : they had great opportunities for observation and material discovery, but they let them slip by mostly unheeded ; they were interested in a different kind of learning, and they did not relate what did not offer food for their theological meditation. For the same reason, pilgrim-travel is not progressive ; the ninth century finds us and leaves us worse off for extensive and systematic religious journeyings than we were in the sixth or in the fourth ; and the value of these enterprises is really comparative, and rests upon their being the principal geographical records of their time. Once, therefore, that the old aggressive instincts, of commerce, of conquest, or of colonization, are awakened afresh, and begin to send out their shoots, the religious travels lose all except a theological interest.

So confined, indeed, is the outlook of many of our pilgrims, and of nearly all our professed geographers of the pilgrim-age, that we find an interest even in the extent, the variety, and the daring of their absurdities. For these have a special place as illustrating the mental habits of the time. They help to show us how difficult material progress must have been when such were the thoughts and words of the travelled and learned Christian ; they throw a good deal of

light on the development of that geographical mythology which offered so obstinate and tangled a hindrance to scientific discovery; and they point to the underlying truth in the story of the world's exploration. And that seems to be, that for material progress—of this kind, as of others—material and not sentimental ambitions are needed. It is the love and the hope of material gain, partly political or imperial, partly scientific, but, above all, commercial, which has been the motive power of our geographical, as of our industrial, revolution. The secrets of the present world have been disclosed to those who lived in the present; they have naturally been hidden from those who did not value the actual world around them. For the religious emotions, in their essence, however valuable to civilization in certain other fields, such as art, were not of a kind to promote the exploration of the physical universe, either upon the surface of our earth, or beneath it, or in the world of space outside its atmosphere. And so the religious age of Christian travel was of necessity unprogressive and unproductive. Devotional travel was as little in sympathy with exploration for the sake of knowledge, as the theological doctrines of a scriptural geography (as we have them in Cosmas or in some of the more elaborate mediæval maps) were in sympathy with the formation of a scientific theory of the world's shape, as expressed in modern atlases and treatises.

At the end of this long and difficult chapter of history—the early Middle Ages—we come face to face with a new people and a new energy. The Northmen supply the spirit to the body, the fire to the powder. It is the impulse given by them which is seen in the upheaval of the Crusades, when all Christendom rises to that new and ever-increasing activity which has continued to produce fresh results till now. From the crusading movement spring the overland and commercial explorations, the maritime ventures, and the scientific discoveries of the later Middle Age, of the now recivilized West; from these, again, result the plans, the theories, the attempts which, in their success, reveal the prime secrets of

the unknown. The age of our victory over nature, or rather of our initiation into nature, beginning with the unveiling of the earth surface, is thus connected with the first groping of our Western world after a wider room and a broader life. Dim at first is the light, staggering and uncertain are the steps; false and deceitful ambitions, disappointing hopes, superstitious fears are ever checking the onward course: but from the time that pilgrimage first led to conquest (in the eleventh century), that course has been steadily onward and outward. Yet not always as it had been planned. The Franks came to smite the Moslem unbelievers, but they stayed to trade with them and to learn of them. The incidental gain proved to be even greater than the first object.<sup>1</sup> The Mohammedan world had more to give to Christendom by commerce and friendship than was to be won by stamping out the worshippers of the God of the Koran. By the religious wars was gradually recovered that secret which the pre-Christian world had found out and abused, which for centuries remained inarticulate, felt but unexpressed—the secret that the religious feeling by itself was inadequate for material prosperity, that the present was an unmistakable and fundamental fact, and that progress could not be made in this life by renouncing it.

But this revelation was not yet. In the time with which we have here to deal, religion, sometimes fanatical and ignorant religion, governs the men who are representative of literature and of science. So exclusively theological is their outlook, that we are often in danger of forgetting that the modern world, with all its splendour and its variety, can be traced back on one side to their work. Christianity, of a type very unlike the present, has indeed been one of the factors of our civilization. And in our particular subject we have especially to take this into account. In ages when the only kind of exploring and geographical interest was

<sup>1</sup> So in Columbus's discovery, the incidental success—the finding of America *en route*—proved to be even more important than his original aim, the reaching of India from the West, by the West.



theological, we must beware of ignoring this phase, or of treating it as a symptom of decay or weakness. We cannot pass by the fact that the theological interest, in the hands of the 'Church organization, mastered that Empire, or political society, which possessed the intellectual heritage of Aristotle and Plato, of Ptolemy and Strabo, of Lucretius and Tacitus, of Cicero and the Roman jurists. Neither can we deny that the barbarians from beyond the Rhine and Danube gradually subdued and settled themselves upon that same Empire, which seemed so final. Least of all can it be disputed that those conquering barbarians, without doubt the strongest physical force in the Western world, bowed to the faith and the religious system of the Empire, and moulded their states, and directed their progress from barbarism to civilization, by its teaching. The Church, therefore, in its various expressions, must be treated with respect by any one who respects the facts of life. It had triumphed over civilized refinement and uncivilized, or semi-civilized strength. It had taken possession of the best minds of the European races.

So much may be allowed, and yet it may be said that a certain element of weakness and lowered strength was responsible for its victory. The later or 'lower' Roman Empire, in which the Church saw all things put under its feet, certainly had not the strength of the first Cæsars. They could have repelled the Teutonic invasions, just as they came near to the conquest of all Germany, and left that conquest unfinished rather from choice than from necessity. Almost as certainly, they could have stood the shock of the Saracen invasions, which, indeed, were rendered possible by the theological phase that had passed over the Roman world. Christianity and Judaism inspired Islam to be their own rival, and its place in men's hearts was prepared for by their work. The whole appeal of Mohammed would have fallen flat upon the Agnostic world of Augustus.

Yet, if the new era of world-religions, controlling the political and social life of nations, was associated with a cer-

tain decline of intellectual vigour among the more advanced peoples, it certainly went along with a great increase of mental activity and social progress among the more rude and brutal nations. For both Christendom and Islam raised the average of the society they respectively conquered, taken as a whole. The check inflicted on the seventh-century prosperity of Syria and Egypt by the Arab invaders, or the repression exercised by Catholicism on the philosophy of Porphyry or the poetry of Claudian, was not to be weighed against the impulse towards better things which the one communicated to the Berbers and the Arabs themselves, or which the other inspired in Germans, English, and Russians.

Up to a certain point. For here comes the difficulty. In the face of the natural philosophy, or the classical revival of the twelfth century, and still more of the fourteenth,<sup>1</sup> fifteenth, and sixteenth, the religious spirit in Christendom, as in Islam, declared itself, to a large extent, obscurantist. And when this attitude seemed to be passing away in the papacy and the curia, the cause of non-reasoning faith was revived in the Protestant Reformation and the Catholic reaction; the science which this double movement could not suppress was forced back into its old attitude of hostility, and religion became terrible to many as the principal opponent of advancement and knowledge.

In the case of Islam, on the other hand, the great 'Unitarian' religion, as a less dogmatic, intricate, and systematized faith, without priesthood, or sacraments, and without even a mystic ritual, except of a simple kind, seemed for a time more fortunate. It found the conflict with science much less searching, and more easily evaded or postponed; but in the end the same struggle loomed before the future of the civilized Caliphate, when further danger was averted by the ruin of theologians and scientists alike in a common doom. On the one

<sup>1</sup> In the thirteenth century the Catholic theologians attempted, with some success, to absorb as much of the new and revived learning as appeared in any way compatible with their inherited dogmas. When this broke down, the Church had only the choice of war with science, or a subject-alliance with it.

side, in the Levant, the utter and irredeemable barbarism of the Turks covered all. Incapable of any form of science or of art,<sup>1</sup> except the war-like, they spread like a blight over the fairest portions of that field where the first intellectual harvest of the Middle Ages had been reaped. On the other side in the West, the Moslems of Spain fell a prey to anarchy within, and as the crusading spirit rose higher in Christendom, the Emirate of Cordova perished altogether. But at first, after the old culture and the old government of Rome had been submerged, there was no question whether the science of the time was to be friend or foe of religion. The theological forces were then wholly on the side of order, of peace, and of learning; they were among the most powerful allies of the good, and among the most influential enemies of the bad, tendencies in society. So it was largely due to Churchmen that certain parts of ancient civilization were preserved, and that the political unity of the Empire was replaced by the spiritual community of a religious federation which was constantly struggling to express itself in political forms.

And in our particular inquiry, it was through the writings and the travels of Churchmen that geographical conceptions were kept before the world of Bede, of Charles the Great, or of Gerbert. Even Cosmas, though sinning against light and apparently taking a more superstitious and unnatural view of the world than the 'sceptical' Christians whom he denounces, still preserves a good number of scientific needles in the midst of the intolerable deal of hay which he called his 'Topography.' In other and more barbarous places and times, writings such as those of Dicuil, of the Ravennese geographer, or of Guido—maps such as those of Beatus or of Albi—are valuable for their monopoly of the subject, if for nothing else. They are the only reachers of geography in their age and among their people. And in the light of what their countrymen afterwards be-

<sup>1</sup> And except to a certain extent in architecture, as may be seen from the Mameluke buildings in Cairo. But it is only in a very qualified sense that the Mameluke rulers of Egypt can be called 'Turkish.'

came—masters of the world—these teachings, however grotesque, are suggestive. The absurdities of Dark Age map-making are the precursors of the first accurate charts and of modern atlases ; the creeping ventures of the pilgrims are the first movements of an ultimately invincible race-expansion.

Now, many of the monuments of early Christian travel have scarcely been treated yet in their proper relation to progress in general, or to the special kind of progress they illustrate, which is geographical. They have had, perhaps, a fair amount of attention from the theologians and the philologists ; they have certainly been neglected by the historians. They have shared in the effects of the vicious tendency which puts religion and all its works on one side, and tries to isolate them from ordinary life ; they have been relegated to the theological shelves of the library. But just as the main importance of the writings of the Christian apostles and fathers is in relation to the general life of their time, and the general progress, or retrogression, of the race, so the essential value of these early travel-documents<sup>1</sup> lies in their bearing upon the history of civilization, then and afterwards. There are certain ages of the world which are quite unintelligible except through the proper understanding of their theological literature. Even so late as the Tudor period in England, not a little of our political philosophy has its origin in works of divinity ; in the age of Justinian the chief geographers and travellers seem to have been priests and monks of the Church. An endeavour to connect and interrelate the sacred and the secular in the story of exploration could hardly fail to throw an additional, even if sometimes a flickering, light on certain parts of history.

It has often been pointed out that human progress is far from being always continuous, and that its course is more like the confused movements of a crowd, whose advance is only to be clearly seen after many swayings and stoppages, than the orderly forward motion of an army along a military

<sup>1</sup> *Geographical Essays.*



road. Early Christian geography is a good illustration of this. For centuries the new religious interest seems to exercise little or no effect in the advancement of the science. Rather the reverse. Yet, under the Christian civilization, was at last awakened an interest both in practical and theoretical geography greatly transcending that of the pagan world. We must therefore look behind the literature for the vitalising facts, for the progress which certainly was now being made possible. The early Christian period was, after all, a time, not of harvest, but of planting. European life and manhood were regenerated, but the European mind seemed almost to lie fallow for a time.

The growth of the geographical myth during this period points to the same conclusion as the poverty of results from religious travel. In the course of these centuries were elaborated or popularised most of those travellers' tales which we think so pleasant in Solinus or in Mandeville, and wonder at on the maps of St. Sever or of Hereford, but which were a real and formidable hindrance to enterprise. The terror and ignorance of nature that they reflected was the prime cause of the isolation, poverty, and barbarism of the earlier Middle Ages. The imagination of folly and of pseudo-science peopled the world with monsters, curtained the seas with impenetrable darkness, and travestied every known fact of geography by an attendant fiction which tended to supplant the original.

Again, in examining the reasons for the prolonged backwardness and even occasional retrogression of Christendom, our attention is recalled to some particular influences of a general anti-Christian and anti-European movement, to which we have already alluded. First, the Spanish Caliphate cut off all access to the Western sea beyond the Bay of Biscay, from the eighth to the twelfth centuries; similarly the communication of Christendom with the far East and South — with Abyssinia, or India, or China — was fatally interrupted by the intrusion of the new rulers of the Levant and of North Africa. The geographical outlook of Christian

Europe was thus materially contracted. And as Moslem traders and pirates shut up or abstracted Western commerce, so Moslem schools stole away some of the ablest of Western thinkers, till in the ninth and tenth centuries the triumph of the Prophet's followers in every art of life, in every comfort, in every science, over their older rivals seemed complete.

The pilgrim-travellers last for our purpose up to the time of the extinction of the Frankish Empire on the continent, and the reign of our own Alfred in Wessex. In other words, it is only during the first nine centuries of the Christian era, or, more exactly, from the opening of the fourth to the close of the ninth, that the work of exploration, such as it is, falls to their share. And in this time, we may find, if we look a little more closely, that the more important of our pilgrim-records fall into certain groups, and are associated with certain prominent persons and events. Thus we have the travellers of the first period grouped, as it were, round the work of the Emperor Constantine and his mother Helena in Palestine; those of the second age, around Jerome in Bethlehem or in Rome; those of the third, round the Imperial and Catholic Majesty of Justinian, whose buildings in Jerusalem, like those of Constantine, mark an epoch in the topography of the Holy City. Lastly, the leading pilgrims of the fourth age, as we may call it, though more scattered, are nearly all associated with the conversion of the Franks or the English, and with the joint movement of these two great races for the further conversion of heathen Germany.

Again, in the history of pilgrim-travel, we have to deal with two main classes of records, those made by the travellers themselves, and those contained in the writings of others, such as Gregory of Tours, who allude to or describe in some detail the journeys of pilgrims who have or have not left any account of themselves. With a very few exceptions, the former class holds all that is important for us. As to the merely allusive notices, even the more valuable of these are

generally so vague, as in Gregory's accounts of travellers to India from the West, that little can be gathered from them.

The case of Cosmas, 'the man who sailed to India,' presents an especial difficulty. He is more known as a theorist who set himself to disprove the roundness of the earth, but he is also a practical explorer, of an unusually ambitious type. He journeyed to Malabar and Ceylon, it would appear, from the head of the Red Sea, and returned to Egypt, probably visiting Palestine as well, before he left his old profession of a trader, settled down in his monastery, and wrote his 'Topography.' Preposterous as a philosopher, he was no contemptible observer; and his book has a place of its own, standing as it does halfway between contemporary works, such as those of Procopius and Gregory of Tours, between comparative reason and comparative credulity. And the case of Cosmas is an exception which justifies a rule. It may be said, speaking broadly, that the only travel which need be attended to, in those centuries which coincide with the first six hundred years of the Byzantine Empire, is Latin, is from the lands west of the Adriatic, from the Christendom which is conveniently called Roman. The Byzantine provinces, it is true, carry on a not inconsiderable trade with the further East, though this is of ever-decreasing importance and extent from the time of Justinian; but they show no discovering spirit, except what we may find better represented in Britain, Gaul, Italy or Spain. The Byzantine influence on Western or Latin Europe was surprisingly slight, from the days of Heraclius to the Crusades, and as its power waned within its more immediate surroundings it was not natural that it should exercise a very stimulating effect in distant lands that had practically renounced its authority long before they formally did so. The importance of the Eastern Empire, in checking the progress of the Saracens<sup>1</sup> at their most dangerous period, cannot easily be overrated. It saved Europe from the Asiatic deluge at a time when resistance to such a double attack as was then in progress (through

<sup>1</sup> As well as of barbarians, like the Avars.

the Balkans as well as through the Pyrenees) could hardly have been successful ; but, after all, the place of the Byzantine civilization in history was rather passive than active, and its travel enterprise has but little to do with the rest of Christendom.

What slight proof do our Latin travellers give us of any overshadowing influence of the Byzantine world on the West they came from ! Though Arculf and Willibald, for example, both have a good deal to tell us about the Constantinople of their day, and allude to it as the greatest city, and the 'metropolis' of the whole Roman empire, they seem little touched by its spirit. The whole literature of our Latin geography in the Dark Ages is inconsistent with any deep knowledge of the Greek Christendom whose very language was becoming forgotten in the West. When the Roman Church carries out the religious exploration of central Europe in the eighth and ninth centuries, it is allowed to push its conquests within the limits of the original Eastern Empire, and even to dispute with St. Sophia for the allegiance of Bulgaria, which, if once given, in spirituals, to the Lateran, would not be easily rendered, in temporals, to the palace on the Bosphorus. The Greek missionaries, whose travels into Moravia are of some interest to our subject, went in the service of the old Rome and not of the New ; in the same way Hungary and all the North Danube tracts became adherents to the faith of the more distant power, which by the winning of Scandinavia completed its religious exploration of unknown Europe. Only in the case of Russia did Byzantine orthodoxy show any expansive force, and this, a success of the eleventh century, was rather due to dynastic ambitions and Norse adaptability than to Greek missionary zeal. As time went on, the superior energy of Latin Catholicism was seen in its conquests, though temporary, of Syria and of Constantinople itself, as well as of so many islands and outlying points of the Levant. East and West were really severed long before the dogmatic schism of the Churches, and it is not, after all, of great moment whether or



no Byzantine merchants at certain times travelled to India or to the Wall of China, or penetrated into Abyssinia, unless they handed on their work to successors or influenced a more persistent and virile race than their own. As a rule—Cosmas is a partial exception—they did not do this; their labours were so far from permanent that they were, on the contrary, continually receding, and we must not overrate the importance of such an unfruitful and disappointing ‘expansion.’

I. Before the conversion of Constantine, Christian pilgrimage is just existent, and that is all; before the close of the Diocletian persecution, the number of credible journeys of this sort, from the West to the Levant, may be counted on the fingers of one hand—the two Placentian travellers of A.D. 303, John and Antonine the Elder, are perhaps the chief of these; and their travels include Sinai as well as Jerusalem.

But the example set by the empress-mother, Helena, and the buildings erected by the bounty of Constantine and her own piety, on the holiest sites of Palestine, coupled with her discovery of the true cross, was the beginning of a new age. Her pilgrimage seems to have been independent of any expectation of such discovery. She sought out Jerusalem, Rufinus tells us, and inquired the spot—not where the cross was to be found, but only ‘where the body of Christ was fixed to the tree.’ The search, it is admitted, was difficult; and this proves that to earlier pilgrims there could not have been available that exact cult of particular sites which became established from the time of Helena’s ‘inventions.’ From A.D. 136, when the last revolt of the Jews under Bar-Cochab was suppressed, Jerusalem had been forbidden ground to the Hebrew race, and the city of the famous Semitic priests and kings had become the Roman garrison town of *Ælia Capitolina*. A statue of Venus, too, in one tradition, had been erected over the site of the Crucifixion by the persecutors of the Church.

What Helena really discovered it is impossible now to determine; all that concerns us here is that with her visit

Christian pilgrim-travel really begins. Yet we may notice how greatly the original story is amplified by later writers. To the simple statement that she discovered the sign of the cross at Jerusalem, Rufinus adds the healing of the sick by the new-found relics; in Gregory of Tours, the nails have the power of quieting storms; fragments of the wood could save a city besieged. And so on, and better still, in infinite progression; for there is scarcely a book, a tract, or a sermon of the mediæval time, in any way referring to the Holy Land, which does not mention Helena's pilgrimage and its results.

The effect of this journey on the Latin West is seen at once<sup>1</sup> in the 'Itinerary from Bordeaux to Jerusalem,' the earliest work of Christian travel—a witness alike of the recent triumph of the Church, the restored peace and order of the Empire, and the resettlement of politics and society with fresh religious interests.

Our itinerary follows the main roads of Southern Gaul and North Italy to Aquileia; thence it goes through Sirmium and Belgrade to Constantinople, and across Asia Minor by the military highway to Antioch and Palestine, returning along a more southerly route from the Bosphorus to Albania and Otranto. Composed in the year 333, or at any rate giving the journal of certain pilgrims in that summer, this tract, which roughly and inaccurately adapted for the use of Christian travellers a portion of the old imperial surveys, remained for a long time the principal handbook of the class whose needs it met. Its course is usually followed; and its relics form the staple of every account. Yet it has little claim to originality. It simply reproduces—in all except its more detailed notes on the sacred sites themselves—the road-books of the Cæsars: to its tables of pagan place-names it adds a Christian tour in Judæa and the Syrian coast; but it has been doubted by some, from the state of the St. Gall and Paris manuscripts, whether this last is not a later insertion. While this diffi-

<sup>1</sup> Within ten years (325-333).

culty may be dismissed, on the strength of the oldest text at Verona, we still have to consider the curious fact that the objects of devotion herein mentioned, as in the case of the crypt of Solomon for the torture of the devils, are in most cases of a rather extravagant kind, and argue a high development of superstition and credulity at an age fondly supposed by many to be too early for such corruptions. Those who imagine an ideal Church, before its establishment by the State, and derive all its abuses from this source, would perhaps find it hard to explain how it is that in a tract dated within ten years after the 'establishment' of Constantine, so large a number of highly apocryphal relics occur among the few which are mentioned at all.

The Bordeaux itinerary throws an interesting side-light upon the question whether the primitive Christian intelligence was or was not more enlightened than that of later ages ; but here we cannot notice this point, except as illustrated by our subject. And as a record of travel or exploration, this pilgrimage certainly holds an obscure place. It never leaves the well-known roads, except for a few *détours* in Palestine. It tells us of only one site beyond Jordan, and of none of the famous spots in Galilee ; the more distant fields of Egypt, Sinai, and Mesopotamia are entirely beyond its ken. In all these respects it contrasts curiously with the journey of Silvia, our next important record. After the Bordeaux pilgrim, we get no other memorial of Christian travel so nearly related to, and so suggestive of, the classical and official geography ; but we get many more important and extensive journeys from Western Christendom. In the next generation the fashion of pilgrimage spread apace ; it was recognized by the Church of Rome as an act of advanced piety, meriting considerable indulgence or a heavy cheque upon the treasury of merits ; and the leading men of the Catholic world found their way to Palestine in ever-increasing numbers. Julian's attempt to re-establish paganism and restore the Jews to their old home (361-363) seems to have retarded the new movement for a time—as a certain

peace and prosperity was necessary for the development of such an external activity ; but after the reaction has collapsed it is seen again in full swing.

Constantine and Helena close one age of this movement and begin another. They end the period of a simply historical pilgrimage, unaided or nearly unaided by relics, shrines, privileges, and visible memorials of the Bible story. The Bordeaux guide-book, again, ends the unrecorded and begins the self-recording age of the same. Jerome's visit to Palestine in 372, still more his second coming for a residence of five-and-thirty years in 385, is a third landmark, commencing the most fashionable age of pilgrim-travel. In the interval, seemingly, between his two journeys (and without any immediate summons from him, or influence exerted by him), occurred the visit of the traveller whose narrative, recently discovered,<sup>1</sup> goes by the name of Silvia of Aquitaine. The questions of authorship, and of the writer's country, date, sex, and station, cannot here be discussed at length ; but it will be safe to assume here that this work was written by a Roman lady of rank, a Christian of Southern Gaul, belonging to some sisterhood, to whom the narrative is addressed, and that she journeyed in the Levant between 378-9 and 384-5. What is of more importance to us is the extent of her wanderings, and the interest of her occasional remarks. She not only travels through Syria : she visits Lower Egypt and Stony or Sinaitic Arabia, and even Edessa in Northern Mesopotamia and on the very borders of hostile and heathen Persia. The torrent of the Euphrates she compares to the Rhone, the greater to the less, a foreign to a native example ; and, on the way home by the military high-road between Tarsus and the Bosphorus, likens, with unconscious historical irony, the brigand habits of the Isaurian mountaineers, who endangered this part of her route, with the similar failings of the Arabian Saracens, who were one day to be driven back by those very Isaurians from the city of Constantine. The future subverters and saviours of Christendom were then alike outcasts from civilization.

<sup>1</sup> In 1883.



In this letter we have described for us the most far-reaching and enlightened Latin pilgrimage of the first five centuries. Its entire omission of Jerome's name, and various incidental notices in the course of its story, can leave but little doubt that it is of a date earlier than 385. It also gives us evidence, parallel to that supplied by Jerome, of the growing importance and fashionableness of its understanding; for the author, whoever it be, is clearly a person of importance, and it is difficult to picture such a one undertaking the toil and danger of so distant a journey in earlier times. Lastly, while from her example it is clear that the monastic organization of Syria and Egypt was now a powerful attraction to Western devotees, and allowing for a natural preference for objects of religious interest, Silvia's casual remarks, historical, geographical, or social, are of quite unusual breadth and value, and suggest by contrast the probability that most of our pilgrim records have been composed by persons of no very high education or employment.

After St. Silvia, our memoirs for some time are of a strictly devotional character, such as the notices of Paula or Eustochium, or the two Melanias; and though Jerome boasts that men came to see him from India and Ethiopia, our Latin travel-documents of this age have scarcely any bearing on geography.

Between the death of Jerome and the accession of Justinian we have, indeed, occasional notices of the journeys of Westerns to the holy places, not only of Syria and Egypt, but of Malabar; but it is nearly impossible to make much out of them. They serve, however, to emphasise the fact, confirmed by so many different witnesses, that Christianity reached its most complete and deep-rooted extension in the Old World before the rise of Islam. It is true that the Churches of the far East have little or no connection with Europe; that their prosperity is now only to be seen, by us who look back over so many centuries, through a haze as tantalising as the mist that conceals their decline and fall; but the vision, though dim, is not a mirage.

Between Constantine and Heraclius, between the fourth and the seventh centuries, the gospel, though for the most part in heretical forms, came to dominate not only the world of the Roman Empire, but vast districts of Africa and of Asia, beyond the limits of the Cæsars' power. Even in Europe it won Ireland and the Caledonia of Northern Britain, which the legions had never quite subdued; south of Egypt it conquered Nubia and Abyssinia; across the Red Sea it won Yemen to itself; in the Erythrean Ocean it made the Island of Socotra a centre of its activity; as early as the Bordeaux pilgrim its missionaries planted a bishopric at Merv in Khorasan; in the time of Justinian, Nestorians preached the faith among the mountains of Herat and in the Garden of Samarcand; in the lifetime of Mohammed the name of Jesus was first proclaimed in China; and at the same time Ceylon, Persia, and the Deccan contained an 'infinite number of Christians, both priests, monks, solitaries, women vowed to the religious life, and laymen.' Yet almost none of these offshoots were Catholic. With strange perversity, the sun appeared to shine upon the followers of Patrick, who used the tonsure of Simon Magus, and upon the communion of the 'Wolfish' Nestorius, who denied the claims of the Mother of God, even more than upon those who preferred soundness of belief to that heretical restlessness which travelled so far and compassed sea and land to make one proselyte.<sup>1</sup>

The most important of our travel-documents in this intermediate time—the tract of Bishop Eucherius of Lyons (c. 440), 'On Certain of the Holy Places,' the 'Descriptio Parrochiæ Hierusalem' (c. 460), or the 'Notitia Antiochæ ac Ierosolymæ Patriarchatum' of the early sixth century—are, as Ptolemy would have said, topographical rather than geographical; and the notices of such adventurers as David of Wales are clouded with miracle, and only the bare fact of a

<sup>1</sup> Before Gregory the Great, indeed, the Catholic Church for the most part seemed content with dominion inside the Empire, and left outside enterprise to the heretics.

journey to Syria can be recovered from the ideal world which has coloured all the details.

During the reign of Justinian, Cosmas Indicopleustes journeyed and wrote. In the same reign the first Christian description of the Holy City in any detail was composed under the name of 'The Breviary of Jerusalem'; and the two curious pilgrims, Theodosius and Antoninus of Placentia, recorded their impressions 'concerning the situation of the Holy Land.' These remarkably credulous, careless, and imaginative writers add a good deal of myth to the already unreal pilgrim-geography, and present the Palestine legends in a thoroughly formed and hardened state. They preserve, however, some notices of a more extended kind. Theodosius, indeed, only indulges in a few flights of fancy beyond his known ground of Palestine, as when he refers to countries 'where no one can live for the serpents and hippo-centaurs'; but for the rest his knowledge is not extensive or peculiar, and his narrative, like the Bordeaux pilgrim's, has rather the appearance of a journal or time-table than of a guide-book. Antoninus, on the other hand, is an even more travelled pilgrim than Silvia; he goes beyond her into Upper Egypt, and traverses all the usual ground of Sinai and Palestine, penetrating into Mesopotamia and visiting Edessa. In his narrative he appears as a sort of older Mandeville, who mixes truth and fiction in pretty equal proportions, but with a resolute partiality to favourite legends. Along with his marvels, such as the yearly stoppage of the Jordan at the Epiphany, the devils to be seen by night on Mount Gilboa, or the salt pillar of Lot's wife, lessened, as had been falsely reported, by the licking of animals—with all this he gives us every now and then glimpses of a larger world, rarely noticed at all by our pilgrim-travellers. He tells us of the effects of the recent earthquakes (of 526 and 551) along the coast of Phœnicia; he notices the splendour and civilization of Tyre, Gaza, and Alexandria; he describes the hospice of Justinian in Jerusalem, and the Ethiopians whom he met in the Holy City. In the Sinai desert he speaks of Saracen

beggars and idolaters; in the Red Sea ports he thrice records the appearance of ships from India laden with aromatics. He travels up the Nile to the cataracts, and describes the Nilometer of Assouan and the crocodiles in the river; lower down, the Pyramids become for him the twelve barns of Joseph—a number which later pilgrims altered to fit the text of the seven years of plenty.

But far more wonderful than the practical jumble of Antoninus is the systematic nonsense of Cosmas, whose 'Christian Topography' is among the most important works of early Christian theory or science. Yet, as a traveller, his journey is deserving of especial attention. Unfortunately the references to it in his writings are only incidental, as his main purpose was to set forth a system of the universe. But his travels to Western India, to Abyssinia, the coasts of the Red Sea, and probably to Ceylon and Palestine, compose a very exceptional record; and, naturally enough, it is as a trader that he makes these extensive wanderings.

And whatever the absurdities of Cosmas and his dogmas 'evolved out of Holy Scripture,' he is of interest to us as the last of the old Christian geographers, and in a sense, too, the first of the mediæval. He closes one age of civilization which had slowly declined from the self-satisfied completeness of the classical world, and he prepares us to enter another that, in comparison, is literally dark. From the age of Mohammed the geographical knowledge of Christendom is on a par with its practical contraction and apparent decline. Even more than actual exploration, theoretical knowledge seemed on its death-bed for the next five hundred years.

Yet our last group of pilgrim-travellers between Cosmas and the Viking Age, between the creation of the Empire of the Caliphs and the fall of the Empire of Charles the Great, however limited and unprogressive, has a special interest to us through its association with the conversion of England and the beginnings of English science and letters in the age of Bede.

It is difficult to imagine that the Europe of Bernard the Wise



(c. 860) was destined ever to witness such a turn of the tide as that Christian armies would carry war into the heart of the Caliphate ; still more difficult to conceive of the same Europe as once again controlling, as in the days of the Cæsars, the best parts of the world ; most difficult of all to think of the children of our pilgrims as the discoverers, settlers, and conquerors of the then unknown three-quarters of the earth which lay shrouded in mist beyond the limits of the known or half-known world. The new time needed new forces, a fresh inspiration of virility and daring. But here, with the Empire of Charles and his Franks all in ruins, and but little promise of revival, with heathen Northmen and Moslem Saracens seemingly allied for the destruction of Christendom, this section of our story must be left—where the secret of the future seems most impenetrable, and the dark hours have deepened into that intenser blackness that comes before the dawn.

II. The Levantine pilgrimages are the principal, but not the only examples of early Christian travel. There was a good deal of Roman missionary exploration in Northern and Central Europe from the sixth century onwards. In the same time, and to a large extent in the same countries, the Irish monks were busy with their work, pursuing it even to such outlying parts of the world as Iceland, whose first discovery (in 795) is due to them. The Byzantine conversion of Russia afterwards (in the eleventh century) extended this work of religious enterprise to a field but slightly known to the older Empire ; and Byzantine trade in distant quarters of Asia and Africa, though declining, continued to struggle along the old caravan routes.

But here, in the further East and South, the Moslem ousted the Christian merchant more and more till the Crusades ; while in the North-east, as late as the close of the ninth century, and long after the appearance of the Northmen upon the theatre of the world, the limits of Christendom and of civilization might be said to follow the courses of the Elbe and the Danube. In some places Slav and Teutonic

heathendom had crossed these boundaries; but in other districts, as in Moravia and Bohemia, it had been driven back far beyond them.

The Irish missions, meantime, recovered Northern and Central England for Christendom, added Ireland itself to the Catholic world, and combated barbarism with no small courage and success in France, in Switzerland, in North Italy and in still more distant fields. With their religious work they helped forward the progress of social order, knowledge, and art. In other words, they did real and manful service to civilization, in arresting a further decline, and in commencing a revival of culture; parallel with their crusade against heathendom went their struggle with anarchy.

III. Geographical theory or science in Christendom, between the conversion of the Pagan Empire and the coming of the Vikings, is in a state scarcely less rudimentary than travel.

Much of the advance made by the heathen world is now abandoned; part of the knowledge once gained has been forgotten, part seems to lie in a sort of limbo not altogether out of sight, but, as it were, out of touch of the new time, uncared for, unattended to. The word seems reversed—‘Let us *not* now remember our fathers, and the actions of famous men.’ As Bacon said in another connection, everything of value seemed to sink, and only the light and worthless rubbish came floating on down the stream of time. Ptolemy and Strabo, Herodotus and Hipparchus, passed almost wholly away from Christian memory, and the only works of the pagan period which held much attention were compilations of marvels such as those of Solinus, or the list of place-names which Orosius, Guido, or the anonymous geographer of Ravenna put under contribution.

Lastly, the maps of this time, as far as they have survived to us, barely show even the commencement of mediæval cartography. True, we have the scheme of Cosmas himself, probably designed about 550; the *mappe monde* of Albi seems to have been executed about 730; and the original plan of

the Spanish theologian Beatus was probably composed in 776 ; but of the last named we only possess the later derivatives of 'St. Sever' (c. 1028-1072), 'Turin' (c. 1080), 'London' (1109), and 'Ashburnham' (tenth century), with six others of the eleventh, the twelfth, and the later thirteenth centuries.

As we look back upon the course of a movement which, through so many centuries, appears often stationary or even retrograde, in the midst of our disappointment and weariness we may find some comfort in the comparative value even of such devotional enterprise. And as comparison is the only test of any age or of any man therein, the very blunders and limitations of the past have a constant as well as an historical value to us. For they remind us not only how we have come to our present mastery over the world, but also how imperfect the work even of our time must be in the light of the ultimately possible.

So, if our pilgrim-travellers have interests the very reverse of ours, thoughts which to us seem unthinkable, or fancies that repel us as rather absurd than poetic, it will not be for us to pity or to despise men who, in a true sense, were making their times ready for better things.

And especially we must remember this in our mournful and threatening close. A half-barbarised world had entered upon the inheritance of a splendid past, but it took centuries before that inheritance was realised by the so altered present. In this time of change, we have men writing in the language of Cæsar and Virgil, of Alexander and Sophocles, who had been themselves, or whose fathers had been, mere 'whelps from the kennel of barbarism,' to Greeks and Romans of the Old Empire.

We have been passing through the time of the reconstruction of society, the only apparent reaction which our Western world has known, and that only apparent, when savage and strong men who had conquered were set down beside the overworked and outworn masters of France, and Italy, and Spain, and Britain, to learn from them, and to make of them a more enduring race.





# THE FOREIGN POLICY OF WILLIAM PITT IN THE FIRST DECADE OF HIS MINISTRY IN ITS EUROPEAN SIGNIFICANCE.

## *A REVIEW.*

TRANSLATED FROM THE GERMAN OF DR. FELIX SALOMON,  
Privat-Dozent at the University of Leipzig, 1896.

THE latest work from the pen of Sir J. R. Seeley, just published, contains, as the last legacy of an author who has rendered such good service to learning, a suggestion surpassing the limits of the subject of which he treats. In speaking of the growth of British policy, Seeley also proceeds to treat of the foreign relations of a state from the standpoint of their development, and in giving the history of this growth teaches us to observe and to reproduce the conditions of such a development. At the same time special stress is laid upon the point that the policy of a state is not to be considered by itself, but that the reciprocal action of states upon one another must be followed out. The history of policy is to Seeley synonymous with international history. It cannot be said that this conception is altogether new, since there is no lack, especially in English literature, of works which have adopted it ; but, on the other hand, it is doubtful whether this manner of treating of foreign policy, which cannot pay sufficient regard to its connection with the internal policy of every separate state, will always be advisable. But Seeley's suggestion is undoubtedly useful for those periods in history when international relations have been particularly extended, and when states have united together into great coalitions with a view to the general situation of Europe. Such a

period is that which we comprise under the name of the epoch of the French Revolution. Here it is not so much the diplomatic actions of single states which in themselves interest us as the policy of every state taken as a member of the general policy of Europe. In this connection I should like to give here a short account of the development of one section of the English policy of this time, the foreign policy of Pitt in the first decade of his ministry: of this policy in its European significance, with reference to the French Revolution. And here the following inquiry presents itself. We know that Pitt entered unwillingly into the war of the Revolution, but that this war seemed inevitable. In the conduct of the same England took the lead in the great coalition formed against France, but all efforts to bring the war to a speedy and happy close were really frustrated by the fact that from the beginning there was another movement running parallel with the French Revolution. With the political revolution in the West, there was that territorial one in the East, which found expression in the expansion of Russia, and which, by turning the attention of the coalition towards Poland, shattered the strength of the coalition forces. Now this coincidence has long been well known, but yet how did it come about? How came that combination of the European powers which, even before the beginning of the general war against France, permitted the expansion of Russia? For if the expansion of the Russian empire may be rightly explained by the conditions of life and the general situation of that empire, even then it is not yet proved that those conditions must and could precisely at that time be readjusted. We see that this is a question of far-reaching significance. I am seeking to-day to answer it from the standpoint of English policy, inasmuch as I wish to prove that the foreign policy of Pitt really amounted to the formation of a political system which would have been in a position to bid Russia halt, and that a turn of affairs which (contrary to Pitt's intentions) emanated from England first became the immediate cause of that different relation of the powers to one another which

opened the way to the Russians, and, by raising the Polish question, brought dissension among the allied powers. I can only here give an outline of this subject, founded upon the valuable material of which I have been permitted to make use in the British Museum, and more especially in the Record Office. And first it must be remembered that English policy has not by any means developed itself without interruption.

It has been very generally supposed that during the first years of his ministry Pitt was entirely occupied with internal reforms, and thought but little of a systematic treatment of foreign affairs, and his endeavour to avoid everything that might involve the country in war seemed to betoken a disinclination to enter into relations at all with the continental powers. Now the central point of Pitt's administration at this time certainly lay in the sphere of internal policy, but at the same time foreign affairs were not neglected, and a glance at the work of the Foreign Office, such as the papers of Carmarthen, Pitt's Foreign Secretary, permits,<sup>1</sup> teaches us that in this region also a system was actually kept in view from the beginning, the chief purpose of which was to put an end to the isolation of England brought about by the American war.

Therefore, the resolution once taken to enter into alliances, the choice of allies must depend upon the special aim to be pursued by the alliance, and this aim, together with the measures to be adopted, were the outcome of the teaching of the previous war. The issue of that war had meant the triumph of the House of Bourbon and of the Bourbon influence in Europe, which, moreover, threatened to extend itself still further. It was therefore necessary to oppose this, and to keep in view, as the object of every political system, the establishment of a counterpoise against the Bourbons. With this intention various attacks were made, such as were to be expected from the already existing systems of alliance, which were not favourable to English effort. For there was, on the one hand, the league between France and Austria, which had

<sup>1</sup> We are indebted for their publication to Mr. Browning.

commanded the situation in Europe from 1756; to that, since 1780, there had been added yet another league of the two imperial courts with one another. In the face of this, it seemed the first interest of English policy to sever Austria from France, and this was to be succeeded by an alliance of England with both the imperial courts. The instructions sent by Carmarthen to Vienna are entirely filled with this idea, which is termed his favourite scheme; but an insuperable difficulty presented itself at Vienna in the aversion of Prince Kaunitz to any union with England, so that Pitt was prepared to seek the support which he required, if not in an alliance with *both* the imperial powers, then with Russia only, into which alliance one of the northern powers was to be drawn, either Prussia or Denmark, at the same time giving out that a league with Prussia would be the less acceptable to him. The Russian negotiations also led to no result, with the exception of details into which we need not enter, for what we have here to keep throughout in view is not so much the activity of diplomatic missions separately, as the tendency of English policy on the whole. The latter we see constantly directed against France, seeking withal the possibility of an alliance with the imperial courts; and yet it is nowhere found that there was in England any apprehension as to the designs of conquest of the imperial powers, and of Russia in particular. In the foreground we find rather the apprehension of French encroachments, against which security was sought, and to which all else was subordinated. So it came to pass, that when a constitutional conflict broke out in Holland, which caused such encroachments to be feared from the reported attitude of the French, and the interest of England met that of Prussia on Dutch soil in the defence against France, the English cabinet veered quickly round, and entered into an agreement with Prussia.<sup>1</sup> A change of system was not in

<sup>1</sup> The previous addition of Hanover to the confederation of princes had not aimed at preparing the way for the approach of Prussia. It had been rather an act of personal policy on the part of the King, than a measure adopted by the far-reaching views of the ministers.



the least intended thereby, since this agreement limited itself in the first place to the affairs of Holland alone, and to the securing of that country against France.

In short, the whole drift of the foreign policy of England is found in these efforts, until that moment when the growth of internal troubles in France withdrew the latter more and more from all participation in foreign events, and thereby completely altered the general situation. To what degree this must have influenced English policy is shown by what has already been said, inasmuch as the very antagonist against whom the English ministers had hitherto exclusively defended themselves now withdrew; as also indeed the Austro-French league, for whose severance we had seen the English ministers striving above all things, and which now fell to pieces of itself.

And here we see the commencement of a new development: the immediate result of the withdrawal of France was that England, freed from her chief opponent, began to take part in European politics, and to perceive that her mission in Europe was to bring about the restoration of the general peace, which was being disturbed anew by the disquieting policy of Catharine in the north and east, with as little alteration as possible of the then state of possession, and with preservation of the balance of power among the nations. To this end the Triple Alliance was advanced on the part of England (as it had resulted from the Dutch conflict) with Holland and Prussia. The said alliance had by no means an aggressive tendency, nor did it in the least degree aim in the first place at assuming a partial attitude, antagonistic towards the imperial courts in the Eastern question, as has often been represented, for the adherence of Russia to the alliance had been counted upon. If in the course of time it nevertheless came to pass that it actually made head against Russia, this only arose from the fact that Russia acted most expressly in opposition to English efforts, inasmuch as Catharine saw in the Turkish war, which gave rise to the above-mentioned disturbance of

the peace of Europe, only the beginning of a new phase of her policy of expansion, and with this view endeavoured to prolong that war. That the Triple Alliance here for the first time opposed Russia followed, then, only as the direct result of a newly established principle ; but it was a moment of enormous significance for the situation of Europe in general, when this principle could be applied in relation to Russia : so long as France was taking her part as formerly in European affairs, that would not have been possible. But even when a new system was thereby introduced, there was still much wanting before it could be consecutively carried out, while the preservation of the state of possession certainly coincided with English interest, but by no means in every respect with that of the Prussian ally, who had also indeed desired the coalition against Russia, but who was meanwhile meditating fresh acquisitions. This is not the place to enter into the plans of the leading Prussian minister, Count Hertzberg, who certainly did not mean to obtain these acquisitions by war, but by a great exchange of lands, based upon the presupposition of the overthrow of the Turks. Suffice it to observe, that England certainly left her ally a free hand, but remained firm on this point, that she would not on her part take up arms at any time for the enlargement of Prussia. But far from the prospects of peace having improved, the general confusion still increased. So when the foundation of Hertzberg's plans of exchange was removed, in that the Turks remained victorious, and Russian policy took another direction, and sought to acquire the desired gain by openly fighting out the ancient feud of the two German powers, a situation was created which gave prospect of a general war, and pushed the efforts of English policy into the background.

This was the position of things when, the death of Joseph and the accession of the Emperor Leopold to the throne causing a change in Austrian policy, which now likewise tended to peace, a reaction set in which gave wider scope to the peace-policy of England, and rendered possible the

return to that principle—to which our inquiry extends—which was necessarily incompatible with the efforts of Russia at expansion. It would be an interesting subject to treat of the Reichenbach transactions of this time also, from the English point of view, and in some other place I hope to be able to carry this out.

The great difficulty of English negotiators lay in the production of an agreement which should preserve the *status quo* as its basis, and yet suit the ever-advancing demands of Prussia for fresh acquisitions: the negotiations carried on for this purpose seem exceedingly involved; in this connection the result only calls for consideration; it shows us the political system of Pitt in its full development. If it be so far accepted, that the peace-policy of Pitt during the Reichenbach period had really only aimed at the maintenance of Turkey and the exact preservation as far as possible of the existing state of possession in its entirety, then the essence of that system, as shown us by its actions, lies in this, that it was not only exerted in order to frame a peace upon that foundation, but also to maintain the same. Therefore on the English side great care was taken to conduct the transactions in such a spirit that no hostile feelings might be called forth amongst the powers concerned in the decisions, such as had ensued upon Hertzberg's plans of exchange, but that engagements should be entered into with these powers. And so there attached itself closely to the resolutions of Reichenbach the endeavour to unite these powers (and more especially Turkey and Poland, the very powers whose weakness constituted a perpetual danger to the peace of Europe) into a great system of alliance embracing the east and north, in opposition to which no European power would be able again so easily to disturb that peace. At the same time the opportunity offered of strengthening the Triple Alliance itself by proposing to gratify the Prussian thirst for gain, left unsatisfied when the Reichenbach resolutions at length arrived at a conclusion, by a special agreement, which should be likewise conducive to English interests. The towns of Danzig and



Thorn, the Polish booty so much coveted, were to be allotted to Prussia as part of a commercial treaty to be concluded with Poland, which was to be formulated in favour of the Poles, so that it should compensate them in money for what they lost in landed possessions ; both Poles and Prussians would then have to make settlements which would facilitate and further the Anglo-Polish trade.

In these arrangements there was theretore just as little aggressive tendency as in those of the Triple Alliance, nor was there any hostility directed against any particular state. If, however, they again assumed a direction against Russia, the very same reason must have led to this—namely, that Russia was still *the* power which hindered the carrying out of the English system. So it came to pass that Pitt found himself at last compelled to force Russia into submission, and it is in this connection that we shall first understand the full significance of those transactions which have attached themselves to the name of the town of Oczakow, a town which Russia refused to deliver up when required to assent to the *status quo* like the other powers.

Oczakow was a fortified port at the mouth of the Dniester, and certainly in itself a place of considerable military, political, and commercial importance, according to the unanimous testimony of Prussian and English authorities. Pitt pointed it out unhesitatingly as the key of Constantinople. Yet it must still remain inexplicable why Pitt, who always had the preservation of peace in view, should have been willing to go to war about a matter which was, comparatively speaking, of very small importance to him, if his whole system had not depended upon this one town, by which he meant to secure peace for the future, and on whose account he could not forsake his established principle. Some attempt was indeed made to induce the Czarina to make some concessions without resorting to war. But English diplomacy at the same time went to work, in case Catharine should persist, to prepare for a campaign on all sides, and specially to avert a coalition of other powers, which might be dangerous to the Russian undertaking.



There was every prospect of good success when Pitt with his own hand drew up his Ultimatum in March 1791, to be despatched to St. Petersburg. But then it happened—and with this already well-known fact this stage of development closes—that the execution of the undertaking was interrupted by the resistance of the English opposition and the public opinion thereby aroused, and came to an end by the resignation of Pitt, which meant nothing less than the relinquishment of the whole system hitherto followed.

And now it yet remains to explain how far at this time that change had set in in the relations of European states to one another, which led to that coincidence indicated at the commencement of this article. The real point was not that Russia now actually kept the town of Oczakow, upon whose possession it had so strenuously insisted, and had by that means carried off an easy victory before the eyes of Europe, but that England was thereby forced to renounce her opposition to every other expansion of Russia, and that Catharine was the very woman to take advantage of this freedom. She forthwith turned it to account by causing her troops to march into Poland. While it was thereby manifested how little value the principle of *status quo* proclaimed by the allied powers now possessed, there was the further consequence that even Prussia could no longer see the slightest use in coming forward on its behalf, especially as the Polish agreement introduced by England had likewise necessarily been relinquished. The security of Prussia, no longer protected by the Triple Alliance, now the more required that other alliances should be sought, which might render it impossible for it to be excluded from the fresh acquisitions of the imperial courts, whom no one was now able to oppose : so that in case of a fresh partition of Polish territory, such as was now to be expected, Prussia might have a share therein. We know that subsequent events led to this. There remained nothing for England, however, but to profess her agreement with that which afterwards came to pass ; in the history of the foreign policy of Pitt, in the first decade of his ministry,

the Polish complication only afforded a still more urgent motive for that statesman to avoid any breach with France.

After these statements it can, I think, no longer be said that the territorial revolution brought about by Russia coincided *by chance* with the revolution in France in such a way that there was no means of averting this coincidence. We rather see the world-wide historical significance of the English policy of this time therein, that she laboured against *the former* so long as it was permitted to her, and thereby—though doubtless without being able to foresee the connection—instinctively employed the best preparation to enable her to combat *the latter*. At the same time it certainly should not be said that the efforts of Russia and Prussia for expansion would not in any case have broken out sooner or later ; but at the time of the French Revolution, when the parties in France, eager for war, were specially excited by the shattering of the political system of the European states, that desire for expansion might have been repressed, and a united Europe, resting upon the basis of the *status quo*, protecting the smaller states exposed to the pretensions of Russia, might have been able to play a very different part against the French Revolution. And the blessings of this revolution might even in peace have fallen to the lot of the nations of Europe.

## RICHARD THE REDELESS

BY S. H. D. HOLTON, B.A.

THE reign of Richard II. is a landmark in the political and constitutional history of England, and in the history of her church and people. At home it was an era of corrupt party politics which led to the crisis of 1399; abroad, there was a lull in the great French war; and already the victories of Edward III. and the Black Prince had initiated the course of events which were to make England an insular power, and her government a limited monarchy. Social and religious discontent joined hands in Wat Tyler's revolt, when the causes of Labour and Nonconformity made their first loud claim to the right of existence in England.

In the following pages, however, we are concerned less with the history of the reign as a whole, than with the interesting personality of the boy-King. King and kingdom were closely bound up with one another in the Plantagenet epoch; and the unequal and ill-regulated character of Richard II. has left no uncertain impress upon the events of his reign. And here the historical student is brought face to face with the unsatisfactory condition of the original authorities. The whole reign abounds in political mysteries, and the figure of the young King is shrouded in obscurity. Richard was not careful, like Charlemagne and other monarchs, to secure the goodwill of contemporary annalists, an advantage which an ostentatious orthodoxy obtained for his successor, Henry IV., who was moreover impelled by the circumstances of his accession to seek out and erase all favourable notices of the ousted King. Even the Rolls of

Parliament are sometimes of doubtful veracity, though, as a rule, the documentary evidence is sufficiently authentic, as far as it goes, to correct the statements of the chroniclers. But the latter are for the most part coloured with an ill-disguised partizanship for the House of Lancaster.<sup>1</sup>

Richard II., the younger son of Edward the Black Prince, was born at Bordeaux on the Feast of the Epiphany 1367. Immediately after the event his father hastened to rejoin his troops, who were already on their march into Spain to support the cause of Peter the Cruel. The success of this expedition was brilliant but short-lived, and the hold of England on her recent conquests even in France gradually relaxed, owing partly to the decay of the fortunes and physical powers of the Black Prince, partly to the success of the Fabian tactics which the French at length adopted against the invader. Early in 1371 the Black Prince returned to England, a mere wreck of his former self. His elder son, Edward of Angoulême, had died prematurely at Bordeaux; his old companion-in-arms and ablest general, Sir John Chandos, had been cut off in a skirmish; and the lustre of his military renown had been dimmed, even in the judgment of that age, by the heartless massacre at Limoges.

The early years of his surviving son Richard are unrecorded. Apparently he was attached to the retinue of his mother, Joan of Kent, as an entry of some money paid to her for his maintenance appears in the Exchequer Issues of December 1376. Sprung from the union of a fourteenth century Mars and Venus, and nurtured in the noxious atmosphere of a voluptuous court, the future King could hardly happen on a sound political education. Stow refers to an entertainment provided by the Lord Mayor of London for the Princess of Wales and her suite, at which Richard was diverted with some dice, which in his hand always fell sixes. Perhaps this incident may be taken as a type of much that is

<sup>1</sup> Some critical remarks upon the authorities for the reign, exhibiting their disposition as the basis of the present paper, will be found in the form of a note on page 147.



unrecorded. The young prince inherited great personal beauty from his mother, the 'Fair Maid of Kent'; and when in his tenth year he was presented for recognition in Parliament, he was complimented upon his good looks, with more loyalty perhaps than good sense, by the Archbishop of Canterbury. His features have been preserved to posterity chiefly by the magnificent whole-length painting, restored in late years and rehung in its original place in the choir of Westminster Abbey, with which 'no English regal portrait can compare either for antiquity or merit of execution,' except perhaps the diptych in the Pembroke collection at Wilton House. This latter represents the same prince in profile kneeling before the Virgin and her Son, and the workmanship has the delicacy of a miniature. On the tomb of Richard and his first wife at Westminster is a fine bronze figure, which is probably the most reliable representation extant, the monument having been contracted for during his lifetime. Additional evidence is supplied by the beautiful illuminations in Creton's chronicle, by the portraits in 'Abbot Litlington's Missal,' and possibly by the Great Seal and coins of the reign. Richard appears to have been of good height, with a ruddy complexion, which grew pale in anger, and features beautiful rather than handsome: 'fair among men as another Absalom,' says Adam of Usk. To match his unmanly face he exhibited an effeminate physique and a corresponding weakness of purpose. In fact, his personal appearance, added to his pacific inclinations and his mother's light fame, sufficiently explains the charge of bastardy which was afterwards cast in his teeth by the Londoners, and which in Froissart's account forms the subject of a fictitious conversation between Richard and Henry in the Tower.

In the month of June 1377 Richard ascended the English throne, the object of his people's admiration for his parentage, and of their compassion for his youth and for his supposed danger from the schemes of his eldest uncle; but he had succeeded to an inheritance of peculiar difficulty and embarrassment. During the long reign of his grandfather a

deep-rooted revolution had gradually come about, unobserved perhaps in the making, but of far greater permanence and importance than the dazzling successes of the French war. In the earlier portion of Edward's reign, the necessities of the Crown had proved the opportunities of Parliament, and the great constitutional advance under his rule was one of the two chief advantages that accrued to England from his foreign campaigns; the other was the consolidation of the English people arising from the pressure of an external war, a force which acted with similar effect upon our enemy France and upon Scotland, her ally. The times required that the English throne should be filled by a monarch of strong personality: such was the third Edward, the remembrance of whose early glory sufficed to shed a softer light on the degradation of his closing years. But the clamour for reform, strengthened at the outset by the support of the Black Prince, sounded clear and unmistakable in the Good Parliament of 1376, and during the long minority of Richard II. impressed the young King with the urgency of its demands.

It is impossible to describe in this short paper the political see-saw of the reign, in which each party as it rose to the top breathed the heady atmosphere of revenge, while those at the bottom had to expect exile, the dungeon, or the block. Suffice it to say, that the years 1377-99 fall into three fairly distinct periods, the first of which embraces Richard's long minority, the second exhibits him as a constitutional ruler, while the last witnesses a long-deferred retribution upon his adversaries, and the subsequent establishment of a despotism which resulted in his own deposition. In the first period occurred the Peasants' Revolt of 1381, which was checked in the height of its fury by the personal courage and address of the boy-King; Richard's first marriage, to Anne of Bohemia, in the beginning of the next year; and the death of Wiclif at Christmastide 1384, and of Joan of Kent a year and a half later. This latter event was the signal for the recommencement of political feuds, due not only to the withdrawal

of a healing influence, but also to Richard's premature advancement of his friends. In the Parliament which met in October 1386, the baronial Opposition impeached Michael de la Pole, the *parvenu* peer, and succeeded in effacing the King's authority by a Commission of Reform to last for a year. But on the dissolution of Parliament Richard released the Chancellor without ransom, went through the country raising his partisans, and gained an opinion from the judges, first at Shrewsbury and afterwards at Nottingham, that the barons were guilty of high treason for their late proceedings. The rash proclamation of this opinion at the Guildhall caused a brief outbreak of civil war. Richard was obliged to temporise with the Lords Appellant in London, while his young favourite, the Duke of Ireland, raised a force of Cheshire archers, and was defeated by the Earl of Derby at Radcot Bridge. Then followed the Merciless or Wonder-working Parliament, in which the accused parties were condemned : the King's advisers, too, were relentlessly pursued his excellent friend and former guardian, Sir Simon Burley, being one of those sent to the block, and even the royal confessor was banished into Ireland. Yet a year later we read that Richard walked one day into the Council chamber, and having enquired his age of his uncle of Gloucester, remarked that he was now old enough to govern, and governed forthwith in his own name—thus gaining by a word the object which had so long baffled all his counsels and expedients. Here is one of the mysteries of the reign : was this but the sequel to a host of preparations which had planted discord among the King's enemies, but of which no hint has been recorded ? or was Richard II., even at the age of twenty-two, a man of such commanding presence and moral force as to cow the spirit and quell the vaulting pride of Thomas of Woodstock, Duke of Gloucester ?

The second period now opens—a period of eight years—which has been much neglected by historians : thus Sharon Turner, out of 103 pages on the reign, devotes only four lines to this large portion of it. Dr. Stubbs, while admitting that

Richard acted in a constitutional manner during these years, and that the theory of a long-dissimulated project of revenge is at variance with his impulsive character, considers that he took a moderate course from no higher motive than because he had been taught by experience that England was fully determined to be ruled on the principles adopted by the two Arundels ; and that under these circumstances Richard felt it both wiser and more dignified to comply with a good grace, and retain at least the semblance of independent power. Professors York Powell and Montagu Burrows, however, are less chary of praise : the latter even goes so far as to number these years among the brightest periods of our history. M. Wallon, too, especially insists on the favours with which the newly emancipated King proceeded to load his old adversaries.

There seems indeed no adequate reason to credit Richard II. with malicious or tyrannical sentiments at this time. The country enjoyed general tranquillity from the return of John of Gaunt in November 1389 to the condemnation of Thomas Haxey in February 1397 : it was an interval, too, adorned by wise legislation, embracing enactments against Provisors and the abuses of Livery and Maintenance ; trade regulations, including the reform of the Staple ; and the great statute of Præmunire. It is easy of course to blacken the shadow of coming events, and to read backwards into the character of this prince 'an extraordinary power of dissimulation and a most unforgiving memory'<sup>1</sup> as the 'leading features' of his personality. But there is no evidence that Richard ever possessed such strength of purpose. It remains, therefore—for the only events in this period that need mention are the death of Queen Anne in 1394, the Irish campaign of the next winter, the great Lollard petition of 1395, and Richard's second marriage with Isabella of Valois at the beginning of the following year—to seek some explanation of the rather sudden degeneration of the King's government.

<sup>1</sup> Vide Sir Jas. Ramsay, *Lancaster and York*, 2 vols. Clarendon Press. Introduction.



The prosperity of Richard's administration and the revival of his popularity with the people are not unlikely to have turned the head of a young prince largely devoid, it must be confessed, of stability of judgment; the obsequiousness of Parliament, owing probably to a general revulsion of feeling in his favour, would naturally tend to heighten the lofty conceptions of royalty in which Richard had been reared; and it is scarcely surprising that his Irish success (1394), complete as it then seemed, followed by the repression of Lollard troubles at home and the triumphant realisation of a long peace abroad, should have filled the young monarch with a desire to emulate the absolutism of the House of Valois. These extravagant hopes would only be increased by the provocations that were, from time to time, encountered by his irritable temper. The City of London throughout the reign furnished the backbone of the party of Opposition, and it is very doubtful whether its humiliating submission after the Loan Riots of 1392 did anything except embitter its relations with the Court. Again, the part played by the Duke of Gloucester, from his first appearance as a leading character in the tragedy of the reign, tended only to inflame party differences. If any portion of Richard's policy especially merits the approbation of succeeding ages, it is his constant labourings for peace: in the continual negotiations with the French for this purpose, we find it constantly asserted that the war had gone on too long; and whatever the motives of the rival Kings in this endeavour, it is certain that the best interests of both countries demanded peace. Yet Thomas of Woodstock took advantage on every occasion of the warlike, or rather the mercenary temper, of the Commons to make political capital out of Richard's pacific inclinations, obtaining thereby great popularity for himself at the expense of the loyalty and discretion due from a trusted Councillor. The Earl of Arundel, again, with his youthful outspokenness and carelessness of giving offence, was clearly of too impetuous a nature to avoid collision with the fiery temper of his young Sovereign: his reckless charge against Gaunt preferred in the

Parliament of 1394, his awkward unpunctuality at the Queen's funeral, his ill-timed application too for leave to hasten away, betokened the unruly, unreflecting spirit that was to flame forth for the last time in his unmeasured denunciation of the procedure employed at his trial.

One of the chief causes no doubt of the lamentable transformation in the character of the reign is to be found in the death of 'Good Queen Anne.' Her influence had consistently urged peace, clemency, and self-restraint, and Richard so deeply felt her loss that his mind was perhaps unhinged by the intensity of his grief. The course of extravagance into which he plunged after her decease, and which of course did but complicate his difficulties, may well have been a symptom of his mental suffering; and it is not hard to credit the opinion attributed to him on the subject of his subsequent marriage with a child of seven, that it was primarily a union of political convenience, and that time alone might wean his affection from the memory of his former consort and centre it upon the rising years of the French princess.

But the general cause of the change was in all probability the unstable disposition of the King, which suffered his better self to be mastered by blinding passion; and once he gave way to this weak side of his nature, he became quite intoxicated with rage and desire of vengeance against his former oppressors. 'Could the past,' as Mr. Sanford remarks in his 'Estimate of English Kings,' 'have been obliterated from his memory, and had not the degeneration of his disposition during these early years been of too permanent a character, his reign might have had a very different termination.'

The third period is taken up with the King's tyranny and fall. In 1396 Richard had resorted to unconstitutional devices to meet the cost of his extravagance, but it was the punishment of the canon Haxey in the following February for a remonstrance in Parliament against the increased expenditure of the Court that really initiated the course of misrule. A few months later Gloucester, Arundel, and Warwick were arrested and punished, and the Statute and Commission of

1386 repealed. The other two Appellants had deserted their former associates and had been rewarded with full pardon and the earldoms of Hereford and Norfolk ; but advantage was taken of a quarrel which arose between them at the end of 1397 to banish them both. The murder of Roger Earl of March, by the 'wild Irish,' was the spark which set fire to the train of events which resulted in the ruin of the King. Richard determined to cross over and himself avenge his adopted heir upon the rebels, and the death of the old Duke of Lancaster in the early weeks of 1399 seemed a convenient opportunity to appropriate his vast wealth to the expenses of another Irish campaign. He had for the last year secured immunity from Parliamentary interference, owing to the Committee of Parliament to which, it was alleged, the late session at Shrewsbury had bequeathed all its powers. This Committee, being practically synonymous with the chief favourites of Richard's court, proved of course a ready instrument in his hands. Moreover, to make its infamous work complete, the Shrewsbury assembly had added to the usual grant of tenths and fifteenths the unprecedented vote of a subsidy on wool, wool fells, and leather for the rest of the King's life. It is needless to describe how the exiled Bolingbroke availed himself of Richard's absence and unpopularity to return to his native land in quest, as he averred, of his private inheritance ; or how his royal cousin came back to meet the invader and was deserted, betrayed, deposed, imprisoned, and done to death. It would, however, be impossible to form a just estimate of Richard's character if no mention were made of the really wonderful capacities for extortion and oppression which he developed in the last years of his reign.

The practice of borrowing money from Councillors and other officials became quite common : a single entry in August 1397 acknowledges the receipt of over 25,000*l.* sterling borrowed from nearly 200 parties. Forced loans too, afterwards so frequent in English history, were first introduced at this epoch : a peculiarly iniquitous form of this abuse consisted

of Blank Charters, which wealthy subjects were constrained to sign, an amount being subsequently filled in according to the discretion of the royal agents, without any mention of repayment. The forced purchase of pardons was another ingenious device for raising money: everyone who could possibly be connected with the alleged treason of Gloucester, Arundel, and Warwick, in the middle of the reign, was compelled ten years afterwards to buy out a pardon from the Treasury before a certain date; and on the pretence of having aided the King's enemies in the affair of Radcot Bridge, no less than seventeen counties were similarly amerced. Richard had even affected to regard this portion of his dominions as hostile territory, and having taken security from the inhabitants before he would commit his royal person and retinue to their care, sent forward some bishops to warn every class of the people to submit and own their past treasons by letters given under seal, 'although,' adds the writer of the 'Annals,' 'they had never done him ill by word or deed.' However, to regain the King's favour immense sums were paid down (*'Le Plesauunce'*). Yet Richard could not, like his Stuart successors, plead the illiberality of Parliament as an excuse for his illegal exactions; for his revenue was largely above the average for that period, amounting to some 111,000*l.* in normal years and exceeding 170,000*l.* in the years marked by war or great forfeitures. The customs, in particular, passed even the high figure reached in the later years of Edward III. A tenth and fifteenth was on an average voted every year, and of the twenty-six sessions of Parliament which met and separated between the King's coronation and his second departure for Ireland, two only were unproductive of some sort of supply.

Richard interfered frequently with the normal course of legislation: thus the Wonderful Parliament found it necessary to pass a statute forbidding the violation of Common Law by the issue of Royal Letters; and even in 1390 the Commons deprecated the passing of any ordinances by the Chancellor and Council after the dissolution of Parliament, which might



contravene the principles of Common Law. This reign, moreover, first exhibits the King with an influential clique in Parliament at his constant beck and call. This 'reptile species of politicians' was headed by Sir John Bushey, a man of unbounded cruelty, ambition, and avarice, careless of honour or virtue where any advantage was in prospect, but withal endowed with powers of management and eloquence rarely found among adventurers of his type: these, no doubt, were the attainments which recommended him for the chair of the Commons. His chief confederates were Sir Thomas Green and Sir William Bagot, men whose moral lapses well fitted them for that bad eminence. These 'King's friends' were entirely obedient to the royal will, and accustomed by sheer clamour to secure the compliance of Parliament therewith. Their presence in the House sufficiently explains the emphatic declarations which were put forward there from time to time in favour of the royal prerogative. The King, on more than one occasion, endeavoured to thwart the operation of Acts of Parliament by obtaining their condemnation by an assembly of judges, but not always with success. Nor did he hesitate to violate Parliamentary usages, which, owing to the necessities of his predecessor, were already becoming established privileges. He had attempted, by a novel form of writ addressed to the sheriffs, to prevent the Opposition of 1388 from obtaining a dominant voice in Parliament: his punishment of Haxey for his outspoken complaint of the scale and composition of the Royal Household has been mentioned above. The Parliament of the twenty-first year consisted, according to the 'Annals,' of persons actually nominated by Richard; their debates took place in a temporary building erected during the restoration of Westminster Hall, where the members were surrounded by Cheshire archers, who, if we may believe the 'Monk of Evesham,' mistook the noise caused by the withdrawal of the clergy for a symptom of resistance to the royal programme, and actually began to shoot. A fit climax to this series of unconstitutional proceedings was the Parliamentary Committee of 1398. This

phoenix offspring of the Shrewsbury session was the instrument of Richard's worst extortions, and of his indefensible sentence upon the rival Dukes at Gosford Green. The penalties of treason were denounced against anyone who attempted the reversal of any of its decrees, and every bishop and lord was required, on entering upon his see or estate, to swear obedience to the ordinances of the late Parliament and to those of the Committee.

In the days of Richard's despotism justice was little more than a name, even though his vengeance hardly equalled the example previously set by its victims. The trial of the confederate lords was but a mockery, and was rendered the more revolting by the part taken in it by the sycophant Bushey. Archbishop Arundel was denied the right of self-defence on the plea of his eloquence. Gloucester's confession was stultified, according to one account, by the equivocal manner in which it was read. The quarrel, however, of the Dukes of Norfolk and Hereford could not have been settled by an appeal to the ordinary courts, for apparently there was no evidence save that of the appellant and defendant, which conflicted at every point. The employment, therefore, of the old feudal court of chivalry, and its award given at Windsor, can hardly be objected to. The result of the lists, where every detail was carefully superintended, would have been above suspicion, and would have removed from Richard's path certainly one, perhaps both, of the combatants ; whereas the royal sentence, which was substituted for the verdict of battle, could not but dissatisfy all concerned, not only by its manifest partiality, but also by its unfair presumption of the guilt of both parties. The motives by which the King was influenced on this occasion are by no means clear. Norfolk, who received the life-sentence, was well known to be a favourite with Richard. This lends probability to Adam of Usk's account, which regards the judgment on Norfolk as a mere feint to emphasize by contrast the light punishment inflicted on his rival, who was the darling of the people ; while it was intended to recall the Earl Marshal at the first opportunity.

The tyrannical nature of the government at this period is well illustrated by the King's obstinate refusal to divulge even to his intimates the names of the fifty persons exempted from the general amnesty of 1397. The reasons alleged by him were, firstly, that otherwise the offenders would take refuge in flight ; secondly, that he had also excepted those who might be impeached in the Parliament then sitting ; and thirdly, that 'by naming them others, their fellows, would fear, where there should be no need for fear.' It was, however, naturally felt that by this reserve Richard held a dangerous card in his hand, which would enable him to destroy any fifty persons he chose.

Lastly, the extravagance and ambition of this prince call for some notice. His personal expenditure may indeed have been exaggerated. We need hardly believe that 10,000 persons or even 6,000, as another authority says, were fed every day at the royal tables. On the contrary, there is record of a banquet given by the King in 1394, to which every guest invited, whether he came or not, had to contribute the sum of 1*l*. Still, the rise of Household outlay from 17,000*l*. to 45,000*l*. at the end of the reign is conclusive evidence that personal extravagance was one of the evils of Richard's despotic period. Another continual expense was due to his apparent inability to deny the requests of importunate suitors. To his favourite Robert de Vere he made a grant of the whole territory of Ireland, which, however, at that time amounted to little more than the right to conquer it. A more quixotic largess was that given to Leo, the vagrant King of Armenia. 'Faithful Armenia,' wrote Marino Sanuto in the early years of the century, 'faithful Armenia lies among the wild beasts. On one side the lion, the Tartar ; on another the leopard, the Sultan ; on a third the wolf, the Turks ; on the fourth the serpent, the Corsairs.' Of its unfortunate rulers none was more unfortunate than Leo V. Out of a nominal reign of nearly thirty years he spent two in concealment in the mountains ; for seven more he was in captivity with the Egyptian Sultan, and during the rest of his life was a nomad suppliant at the

courts of Christendom. He came to England in 1384, professedly as a mediator between the Kings of England and France, but so successfully did he plead the cause of outraged monarchy that Richard sent him a present of 1,000*l.* in a gilt ship, and conferred on him a pension of the same amount. At the end of the reign the King's prodigality took a slightly more practical turn, due to an absurd ambition to succeed to the Imperial throne. In 1397 some Germans came over to England and took advantage of Richard's frivolous disposition to represent that he had been elected Emperor, or at least was almost certain to be elected. This welcome news earned for its bearers munificent grants, and envoys were despatched abroad to sound public opinion. These reported that most of the Electors were in Richard's favour, but that two or three of them were suspicious of the fitness and capacity of a King who failed to chastise the rebels in his present kingdom: these, they urged, should be bribed. It is from the receipt of this advice that the anonymous author of the 'Annals' dates the autocratic period of the reign. Pensions now began to be sown broadcast, the only preliminary required of the recipients being the act of homage. In the year 1397 alone the homagers included Rupert, Duke of Bavaria and Count Palatine of the Rhine, who drew a pension of 1,000 marks; the Archdeacon of Cologne, who obtained 100*l.* a year, while his master the Archbishop, who was also Duke of Westphalia, received an annuity of 1,000*l.* The Lord of Bar and another princeling had pensions of fifty marks apiece; similarly five foreign knights were rewarded for their promise of fealty by annuities ranging from twenty to a hundred marks each; and even the infamous Sir Peter de Craon, who subsequently commanded the fleet of Bolingbroke, was in receipt of 500*l.* a year from King Richard.

In his better days the King had striven to check the abuses connected with 'livery'; but assuredly none of his great vassals had ever transgressed so grievously in this respect as did their overlord towards the close of his reign. There are frequent contemporary allusions to Richard's feudal



retainers, whose royal livery quickly made the cognizance of the 'White Hart' odious in the eyes of all men. On the eve of the September session of 1397 every sheriff was commanded to assemble 'all persons bearing the King's livery of a hart and the valets and dependants of the Crown' to meet Richard at Kingston-on-Thames and accompany him to the opening of Parliament; and further precautions are seen in the authorization of Lancaster, York, and Derby to support the King on the same occasion with 600 men-at-arms and twice that number of archers. This liveried 'fellowship' was clearly nothing more or less than a body of hireling followers, which easily became an unconstitutional weapon in the hands of an arbitrary King.

But no doubt the most execrated part of Richard's tyranny was its connection with the infamous Cheshire guards. The chroniclers well-nigh exhaust their vocabulary of abuse in describing the licence of these ruffians. In number about 400 men, they were drawn from the lower classes of the County Palatine, of which Richard was Prince. Amid their new surroundings they presumed to treat the King as an equal and to slight the magnates of the realm. In Langland's poem on 'Richard the Redeless' they figure as jurymen at country fairs:

They constrewed quarellis to quenche the peple  
And pletid with pollaxis & poyntis of swerdis.  
They lacked alle virtues that a Iuge shulde have.

They accompanied the King on all occasions, pillaging his faithful lieges under colour of purveyance, and sparing neither age nor sex in their lawless raids. By these loyal henchmen was the Westminster session surrounded, by these was the gallant Earl of Arundel escorted to the block. There was, moreover, scant hope of redress, for these myrmidons apparently did not scruple to butcher in cold blood anyone who even hinted at an appeal to the King. Armed resistance was likewise impossible, for the aggressors were always careful to secure the advantage of numbers. Such was the

favour too accorded to these troops by their royal master, that any complaint which reached his ears did but prejudice him against its authors. Indeed, as time went on, the King's unpopularity necessarily increased his dependence on the Cheshire archers, who on their part assured him of absolute security, 'if only he would confide in their loyalty, valour, and uprightness.'

This mournful survey gives but a bare outline of the tyranny witnessed in the last years of this reign, but enough has been said to show that Richard provoked his own ruin, and 'for default of governance and undoing of the good laws' justly forfeited his high stewardship. It remains to glance at his private life.

Brought up amid scenes of corruption and flattery, Richard seems to have listened with complacency to the adulation of cringing subordinates. Yet his mother warned him of his danger : ' At thy coronation, my son, I rejoiced that it had fallen to my lot to be the mother of an anointed King ; but now I grieve, for I foresee the fall which threatens thee, the work of accursed flatterers.' Joan of Kent was, in fact, a broad-minded woman, whose tact and mediation were of the greatest service to the young King. Richard's tutor, Sir Simon Burley, seems to have been one of the most worthy characters of the day ; but perhaps he shared in the religious sympathies of his mistress, for Walsingham deals him unmixed condemnation. A military instructor was found in Sir Guiscard d'Angle, one of the bravest of Edward's veterans : the young prince, however, was destined to show his courage only at bright and momentary intervals, though, according to Creton, he approved himself a good soldier, if not a good general, in his second Irish campaign. Moreover, after the failure of the Flemish crusade, he had offered to fight out the quarrel with France by single combat with Charles VI., but while his challenge was still unanswered appointed the incapable Gaunt to the entire command. One of the alternatives proposed at the same time might have proved an excellent plan for both countries, namely, that the three

uncles of each King should take part in the combat. For both Richard and Charles found these natural guardians a curse rather than a protection. Of the surviving brothers of the Black Prince, one made himself generally odious by ambitious schemes at home, and it was not till after his later attempts at self-aggrandisement abroad that John of Gaunt deigned to exercise a salutary influence in healing family dissensions and checking the dangerous spirit of his heir ; another, Edmund of Langley, Duke of York, was a mere voluptuary who, as Regent in a great crisis, failed to display even a respectable show of energy ; the third was consumed with a selfish ambition, which points to Thomas of Woodstock as the mainspring of the political intrigues underlying the history of the reign. Among the associates of Richard may be mentioned his half-relations, the Hollands, of whom two were especially prominent. The younger, Thomas, Duke of Surrey, was apparently an amiable and harmless companion, who allowed himself to figure as a partisan by taking a leading part in the prosecution of Gloucester. His uncle, however, the Duke of Exeter, was one of the most unscrupulous men of the age. Insatiably addicted to jousting, he seems to have had a taste for all manner of violence : two murders lie upon his memory, one of which led to his mother's death. Another friend of Richard's was the despicable Aumerle, the heir of the Duke of York by his Spanish wife. His position as a cousin both of the King and of Henry Bolingbroke afforded him singular facilities for treachery, which he took good care to improve. There can be little doubt that he played the part of a traitor during the second Irish expedition, and it is no less probable that he informed against his fellow-conspirators in the beginning of the next reign. His character was by that time well understood, for more than a score of nobles accused him in Parliament, and Henry IV. was continually on his guard against him. The partiality of Richard for Robert de Vere seems to have been just such an attachment as might be looked for in a young prince sedulously excluded from the responsibilities of administration ; and it was, no doubt, a

result of the long tutelage of his uncles that he continued throughout his career to manifest a preference, like Rehoboam of old, for the society and counsel of young men.

It is somewhat surprising that little direct evidence is furnished by contemporary chroniclers of private vices in the life of Richard II.; surprising in the light of his youthful associates and early leisure, and equally surprising from the strong antipathy with which the majority of the writers regarded him. Yet the fact remains that most of his moral failings are narrated on the declared authority of rumour. On the other hand, it is to be remembered that the monkish historians were mostly at a distance from Court scandal and could only learn it by hearsay. They have, however, no doubt of Richard's wickedness themselves, and allude to his reputed profligacy in the company of De Vere and the Bishops of Worcester and Carlisle, and to the report that he often sat up all night over his cups. A hot, hasty temper was certainly a leading trait in his character, derived, no doubt, from his father. Sometimes his anger was pardonable, as on the occasion of Gaunt pressing him to advance into the heart of Scotland, when the enemy was already threatening the communications in his rear. At other times it was quite out of place. Nothing, for instance, can excuse his violent behaviour to the Earl of Arundel at the funeral of Queen Anne, or his ungracious threats to the Countess of Warwick when she came to beg his favour for her husband. It was stated at a subsequent period that Richard had knocked down and kicked Judge Fulthorpe at Nottingham for venturing to ask the contents of a document which he was expected to ratify. But a petition of the victim's family appended to the Rolls of Parliament for the reign of Henry VI. seems to be the sole testimony for such a remarkable action. It would be hard to acquit the King of a lack of straightforwardness. He is reported to have sworn to recall Bolingbroke within a year, whereas he probably intended to keep him for the future at a safe distance. His surrender at Conway, too, is allowed by Creton to have been merely a temporary shift pending an



opportunity for revenge ; and he was accused in the charges brought against him at the end of the reign of having broken his promise in order to destroy the Earl of Arundel, and of having violated a sacramental oath in order to make way with the Duke of Gloucester.

To his two young consorts Richard displayed the tenderest affection. 'Good Queen Anne' was the nearest eligible relative of the popular Philippa of Hainault, and she brought through her uncle, the Duke of Brabant, an advantageous commercial alliance to England : she was also a granddaughter of the blind Duke of Bohemia who fell at Créçy. On the proposal of the match through the medium of Sir Simon Burley, a nobleman wassent from her father's Court to ascertain what sort of country England might be ; and Richard had to pay a large sum for 'his daughter of the Cæsars,' owing, it was said, to French competition. Her support of Lollard doctrines made her obnoxious to the more bigoted churchmen, who discovered in her Bohemian headdress the 'moony tire' denounced by Ezekiel. Anne was unfortunately an abettor of De Vere's amour with her waiting-woman, and wrote to Urban VI. in favour of a divorce from his lawful wife, who was a Plantagenet and allied with the Austrian House. By this action she must have offended a large number of the nobles, and perhaps the relentless attack on Burley was connected with this incident. By her death a mediating influence was withdrawn, and the nation was plunged into grief. Richard ordered the palace at Sheen, where she had died, to be razed to the ground, and her apartments seem to have been actually dismantled: moreover, for a year the King avoided all places where she had been.

His second wife, Isabella of Valois, was scarcely seven years old at the time of her marriage, an age unprecedented in the history of English queens. A month later she is found obtaining pardon for a condemned man, and it is easy to believe that Richard indulged her every wish. Her importance, however, was chiefly political : she came as an emblem of peace, and her large dowry was punctually paid. Her

jewels alone were valued at half a million crowns and proved a bone of contention in the next reign, for the thrifty Henry IV. was as loth to lose such a rich princess as Henry VII. afterwards was to send back the wealthy Catherine of Aragon. However, Isabella resolutely declined to marry the Prince of Wales, who was destined, indeed, to wed her youngest sister, then in the cradle ; and she was escorted back to France and a receipt taken for her delivery.

Richard was very religious and extremely partial to the society of ecclesiastics : Gloucester, indeed, declared that 'he was only fit company for bishops and ladies.' He had three patron saints (who are depicted in the Wilton House panels), and scrupulously observed days of fasting. He was a benefactor of the Dominican house at Langley, and built one for the Carthusians in the neighbourhood of Coventry : moreover, he bequeathed for charitable purposes legacies amounting to 4,000 marks. He directed the clergy to pray for the soul of his late uncle of Gloucester, who, he told them, had before his death confessed 'his undoubted crimes and treasons' : similarly his own soul was indulged with 1,000 masses at the expense of Henry IV. Though he could scoff at the warnings of prophets, Richard suffered at times from depression and remorse ; and when it was found that Arundel being dead yet spake, the King sought to lay his ghost by having the body disinterred. The age was strongly infected with a belief in art-magic, and the Commons are said to have attributed the death of Gloucester to counsels derived from the black art. The royal attachment to De Vere was put down to magic spells, a similar charge to that which paved the way for the death of 'Good' Duke Humphrey in the reign of Henry VI. Champions in the duel were required to swear that they were using no weapons of witchcraft, and Tresilian is said to have surrendered an astrological charm at the gallows, in order presumably that the sentence of hanging might prove effectual. According to Adam of Usk, Richard allowed the trial of arms at Gosford Green only on being assured by divination that no

hurt should befall his favourite Norfolk, and stopped proceedings directly he saw him in danger.

Richard was possessed of cultivated tastes; patronised Chaucer, Gower, and Froissart, and was intimate with the polished Earl of Salisbury, at whose suggestion Creton's narrative was penned. He built almost the whole of Westminster Hall, and rebuilt the entrance to the Abbey on the north, since known as Solomon's Porch. Indeed, he was specially attached to the great foundation of Edward the Confessor. He superintended the investigation into the sacrilege case of Hauley and Schakel in 1378, buried some of his friends in the Abbey, and removed some tombs belonging to his family to make room for the monument where his bones were to be laid beside those of Queen Anne. It is thus probable that the building was carefully and piously maintained during the reign. At St. Paul's it was otherwise, as appears from a letter of Bishop Braybrook (1385), lamenting the neglected state of the Cathedral, in which stalls had been set up for the sale of merchandise, and people indulged in the game of fives; pigeons and doves made their nests there, and the stones and arrows aimed at them had greatly disfigured the sacred edifice.

Richard was punctilious in the matter of heraldry. He adopted the Bretigny seal of his grandfather, but in the first Irish expedition bore the arms of the Confessor upon his banners, a change very acceptable to the natives: subsequently he added them to his family shield, and this was interpreted as a symbol of overgrown pride. The cross-fleury and martlets of St. Edward, moreover, were presented by Richard to the Howard family; and their descendant, the Earl of Surrey, was brought to the block by Henry VIII. for presuming to quarter these arms with his own, instead of merely impaling them. The celebrated device of the White Hart was apparently adopted from the Hollands. It is very delicately figured on the robe of the King's recumbent effigy in Westminster Abbey, and a large specimen of it appears in the triforium: it is also frequently introduced among the

ornamental details of Westminster Hall, and gives a sign-board to numberless inns, especially in the county of Cheshire. It has been suggested that one of Bolingbroke's badges, a leash of greyhounds, was assumed out of rivalry with the hart of King Richard.

The King was partial to music, an accomplishment which found votaries among every class at that period. On the eve of his last departure from Windsor he intoned part of the service in the chapel. Minstrels accompanied his army into Ireland, and the tradition has only recently been discredited which relates that Owen Glendower followed him in that capacity. The Exchequer accounts, too, record a payment by the King for the performance of a Venetian dancing-master, and a contribution towards the expenses of a London Passion-play.

A taste for fine horses must have been answerable for a large item of Household expenditure: even in the previous reign the annual expenses of the royal stud had averaged 6*l.* a head. The charger which Richard rode at his coronation is known to have cost 200*l.*, and Creton says that the King possessed many foreign-bred horses. Some of his best mounts were doubtless those which he borrowed from monasteries, but omitted to return. Shakespeare's dialogue between the dethroned King and the groom of Roan Barbary is probably fictitious: the faithless animal, it appears, was not a horse but a greyhound.

The royal table was very bountiful, and on great occasions twenty-six oxen and three hundred sheep were sometimes consumed in a single day. A treatise on *cuisine* is still extant, written by 'the chief master-cook of King Richard II.,' who, it is stated, 'was accounted the best and ryallest vyand of all Christian kynges.' A prince of such tastes was naturally prone to extravagance in dress: he had one coat valued at 30,000 marks, similar perhaps to the 'apparel broidered of stone' which had been denounced in a sumptuary law of the previous reign. There is record, too, of 20*l.* being paid for his buttons, and of 100 marks for two collars and a gold stud.



Richard loved pageantry of every kind : the ceremonies at his coronation, which have been used for similar functions ever since, were arranged specially for the occasion, and indited in the *Liber Regalis* by Abbot Litlington. A novelty was the procession from the Tower, which was kept up till the days of Charles II. The new knights, bathed and robed, were perhaps the first members of the Order of the Bath ; and the appearance of the champion was probably unprecedented. For the bridal and consecration of Queen Anne, the King supplemented the Parliamentary grant by raising money on Crown jewels : part of the show on this occasion was a castle erected in Cheapside, from the towers of which beautiful maidens blew gold leaf into the faces of the sovereigns. The festivities at Richard's second marriage at Calais were not less sumptuous, and cost more than half the amount of the bride's dowry.

The death of Richard II. is a well-known historic doubt. A careful study both of the original authorities and of the modern controversy on the subject seems to point to the following conclusions, although it must be admitted that the evidence is insufficient to support an absolute proof. The story of the assassination by Sir Piers Exton was current in France immediately afterwards, and probably found its way into later English chronicles solely from this source. It is on the whole quite improbable, and almost suggests a confusion with the murder of Becket. Again, the rumours of the escape of Richard to Scotland, which were but a natural consequence of the prisoner's rank and of the subsequent reactions in his favour, found no credit with any serious historian till after the lapse of more than four centuries. The advancement of the theory, however, has established the curious fact that a half-witted impostor appeared at the Scotch court at about the same date, who is probably to be identified with a certain John Warde of Trumpyngton ; but this personage survived for many years afterwards, whereas several arguments confine the occurrence of Richard's death to the first months of the new century. Starvation remains

as the probable form in which the deposed King met his fate, a view supported by nearly all the original authorities. But was it forced or self-inflicted? According to the majority of the chroniclers, death was due to Richard's voluntary abstinence from food, owing to disappointment at the ill-success of Exeter's conspiracy. This evidence, however, is furnished almost entirely by the admirers of the Lancastrian King, who could not be expected to own to the murder of Richard any more than Richard had owned to the murder of Gloucester. On the other hand, forcible starvation is the version given by the more independent writers and, naturally enough, in the partizan manifestoes of the Percies and Archbishop Scrope. But the exact method of starvation is variously reported: one account relates that Richard was ultimately persuaded to relinquish his design of suicide, but that he had already so weakened his system as to have lost the power of swallowing; another states that by a refinement of cruelty he was given just enough food to linger more than a fortnight in a living death; while a third recounts that all that time a plentiful meal was laid out before him, which he was not allowed to touch: hence the *tableau* in Gray's 'Bard':

Fill high the sparkling bowl,  
The rich repast prepare,  
Reft of a crown, he yet may share the feast.  
Close by the regal chair  
Fell Thirst and Famine scowl  
A baleful smile upon their baffled guest.

Richard II. appears then to have been starved by his keepers at Pomfret Castle. The date of his death was probably St. Valentine's Day in the year 1400. It seems impossible to acquit King Henry of at least connivance at the murder. The prison was in his own domain, and it was guarded by his own servants, who were superintended apparently by one of his kinsmen. The presence of Richard in the country was as dangerous to the position of the new King as was the presence of Mary Queen of Scots to that of his successor Elizabeth;

and while hesitating to order his death, Henry is said to have declared that Richard should be the first to suffer in case of an outbreak of rebellion. To the subsequent accusation of the Duke of Orleans, uncle of the widowed Queen, he gave an evasive answer ; and though usually careful to conciliate the goodwill of his subjects, he merely had the late King's features exposed to view in London and elsewhere, and held no enquiry into the manner of his decease. Bolingbroke is entitled to the benefit of what doubt there may be in the matter, but the death of Richard II. may not unjustly be regarded as the last great act of violence to which his cousin stooped in order to secure the English crown.

The mistaken conception of the supremacy of the royal prerogative which had been fostered in Richard II. by the brilliant but deceptive lustre of his grandfather's court, made him regard Parliamentary interference with the Household and administration as an encroachment on the privileges of the Crown, only to be tolerated whilst youth debarred him from the full exercise of his kingly duties, or so long as the expenses of the war made a compliant attitude expedient. The rough schooling which he received during his minority was most ill-advised, and injurious to his political training. The watchfulness of the Commons did not strike at the root of the difficulty and aim at removing or baffling the evil counsel of the royal princes, but confined itself to carping at expenditure, which they wrongly considered to have been entirely consumed by the King's personal extravagance. The result was, that constitutional government became associated in Richard's mind with mere opposition to his wishes and an irreverent manner of address. But the young King was naturally inclined to independence, and once he had tasted the sweets of absolutism, the fiercer part of his disposition impelled him onwards in a course of fanatical tyranny. Blinded by a misjudged estimate of his power and intoxicated by perverse notions of regal dignity, he hurried himself and his fortunes to destruction.

Richard mingled too freely with his subjects to preserve

their respect for his person, a practice which may add popularity to a strong king like Edward IV., but brings a weak one into contempt. The Londoners must have seen him much more often than they wished, and the Chester yeomen were ridiculously familiar with him. Moreover, he indulged an impolitic taste for exalting men of humble birth : thus Roger of Walden, for whom an Arundel was degraded from primacy, was the son of a village butcher ; and Merkes Bishop of Carlisle, Tideman Bishop of Worcester, and Sir William Bagot were all men of base origin. But Richard was no statesman, or he would have chosen his public servants with more discernment and his private friends with greater discretion ; nor would he ever have allowed Sir Richard Scrope to relinquish the seals through the importunity of worthless courtiers. His greatest political blunder was the murder of his youngest uncle, if indeed the death of that prince was a violent one ; but once embarked on the career of tyranny, he was not the man to heed warnings or to weigh consequences. He committed himself to a French marriage with full knowledge of the unpopularity which it would surely bring upon him ; and in the short space of two years his singular want of tact evoked or revived the antipathies of every class of his subjects, so that when the end came he stood practically alone.

Thus did the career of Richard of Bordeaux belie the promise of his early years, a promise which foreign aggression and domestic feuds made it perhaps impossible to fulfil. Endowed with an affectionate but capricious nature, he lacked the advantage of a sound education to train his judgment and curb his wanton will. Of quiet perseverance he had none, but fell an easy prey to the allurements of irresponsible power urged upon him at every turn by a frivolous court. Thus it was that a disposition which won the hearts of his companions and shrank from the grosser forms of punishment, degenerated under the trial of prosperity and revelled in a once unhopèd-for revenge. Energy gave way to violence, refinement to luxury, and the self-assertion of the



boy-King to the tyranny of the hardened despot. An element of pity cannot but mingle in the verdict passed upon this prince, whose character, not boorish and slothful like that of Edward II., much less wholly unprincipled like that of King John, is unique in the history of his country. It was his misfortune to succeed to an inheritance of difficulties in a period of general unrest, to be a man of peace when the people looked for a warrior in their King, his misfortune not his fault. Reared in the corrupting atmosphere of a degraded Court, and surrounded from childhood by fawning, dishonest counsellors, he was 'Richard the Redeless' to the last.

*Note on the authorities for the reign of Richard II.*

The documentary evidence for the political history of the reign is certainly voluminous. It includes the Statutes and Rolls of Parliament, the Close and Patent Rolls, the miscellaneous documents printed by Rymer, the Exchequer and Wardrobe Accounts, and those unpublished Chancery Proceedings, Diplomatic Documents, and Rolls of the King's Court which should not be neglected by a judicious student. Of the chronicles available a few important contemporaries are considered below, and among them are three due to French writers. There are also many authorities of less moment, among whom may be mentioned Capgrave, Hardyng, Otterbourne, Monstrelet, Juvenal des Ursins; the later chroniclers from Polydore Vergil to Stow; poets, such as Chaucer, Gower, Langland, Eustache Deschamps; and the political, social, and religious satirists of the day.

The 'English History,'<sup>1</sup> which goes under the name of Thomas Walsingham, is an original record for at least a portion of the reign of Richard II. It is hard, however, to distinguish his own work from that of others, and the chronicle undoubtedly becomes very meagre for the last eight years of the fourteenth century. Its latest editor regards this as a sign of another hand, but it is more probably explained by

<sup>1</sup> *Thomæ Walsingham, Historia Anglicana.* (Riley, Rolls Series.)

the fact that Walsingham was absent from St. Albans about that time in charge of a dependent priory. The whole tone of the work has been judiciously tempered to the political exigencies of the Lancastrian era, but it remains the fullest general account for the greater part of the reign. It is especially valuable for the Peasants' Insurrection, the career of John Wicklif, and the history of London at that period. We see indeed the orthodox zeal of the writer in the hard measure dealt to the Lollards ; and great pains are taken to vindicate at all costs the honour of the bigoted soldier-Bishop Dispenser, who had led the inglorious crusade into Flanders. But in spite of occasional inaccuracies, serious omissions, and certain inconsistencies which reflect the discordant testimony of informants, the account is carefully compiled, and its author stands second only to Matthew Paris among the annalists of his house.

An anonymous chronicle of St. Albans<sup>1</sup> which comes to an end in 1388, is important chiefly for the strong light it throws upon the doings of the Good Parliament and upon the subsequent counter-movement enforced by John of Gaunt : this period of some eighteen months reveals most of the forces which were at work for the rest of the century. A very unfavourable character is given of Gaunt and Henry Percy, due perhaps to their patronage of the arch-heretic Wicklif : this sufficiently explains the suppression of the manuscript, seemingly while still at St. Albans. The old King is described in terms of respectful loyalty, Alice Perrers unsparingly denounced. William of Wykeham and Peter de la Mare appear as the heroes of the Good Parliament, who lose, the one his lands, the other his liberty, through the machinations of the Duke of Lancaster. Their protector the Black Prince is affectionately portrayed, and his son, still subject to a galling tutelage, receives much sympathy from the author for the slights put upon him.

<sup>1</sup> *Chronicon Angliæ*, 1328-88, auctore monacho quodam sancti Albani. (Maunde Thompson, Rolls Series.)

The fifth book of Knighton's 'Chronicles,'<sup>1</sup> which carries the history down to the year 1395, is probably due to a *continuator* who appears to have been a fellow canon of the author at Leicester. The change is not to be regretted, for the former books adhere too closely to the *Polychronicon*, upon which they are confessedly based, to be of much independent value. But the continuation is distinguished by several peculiarities of style, and is interesting as being evidently the work of a writer who was not afraid to display a strong partizanship for the House of Lancaster, the patron of the Abbey, at the very time when it had earned a general unpopularity, thanks to the ambition of John of Gaunt. It must indeed have been hard for him to reconcile his indebtedness to that family with his orthodox condemnation of the teaching of Wicklif, but no doubt it was from that quarter that he obtained his numerous original documents, which in some cases are unique: thus in this account alone are found four out of the five extant missives circulated by the leaders of the social revolt. A very full description, moreover, is given of the Lollard tenets and manifestoes, and of the events which heralded the approach of the Merciless Parliament.

Yet another chronicler from the great centre at St. Albans affords the fullest and most authentic account of the general history of the reign after the year 1392. The author of the 'Annals of Richard II. and Henry IV.'<sup>2</sup> is unknown, but the coincidence of the date at which his work begins, with that of the deterioration of Walsingham's version, suggests some connection between the two. Perhaps this writer succeeded Walsingham in the office of annalist to the Abbey, and the latter on his return from his provincial charge may have been content to borrow from his deputy a meagre outline of recent

<sup>1</sup> *Henrici Knighton, Canonici Leycestrensis, Chronica.* (Twysden, *Decem Scriptores.*) [This chronicle ends abruptly, but Twysden supplemented the account by the addition of a copy of Rot. Parl. i. Hen. iv. memb. 20-17 incl. This extract does not appear in either of the MSS., yet is quoted by Mr. Riley (*Annales*, p. 252, &c.) and Dr. Stubbs (*Const. Hist.* ii. pp. 490, 503, 506) apparently as part of the chronicle.]

<sup>2</sup> *Annales Ricardi Secundi et Henrici Quarti.* (Riley, Rolls Series.)

events. Be that as it may, it is certain that the writer of the 'Annals' exhibits an increased antipathy to Richard, due probably to the King's oppression of religious houses in these years. Thus, for example, the undoubted difficulties of the second Irish campaign are ignored, and the credit of the result attributed entirely to the officers who had been sent over some time before : everyone, it is reported, prayed that Richard might never return in safety, and 'God put it into Henry's heart' to cross over in his absence. The author was evidently ill-informed also as to Richard's subsequent movements, as the names of his landing-place and ultimate refuge in Wales are left to be filled in : similarly, the details given of the journey to London, the respectful deference to the royal prisoner insisted on by his conqueror, the kind treatment accorded him at Chester and St. Albans, are all at variance with a more first-hand account. Still, this writer is the most reliable authority for the later years of the reign, and his narrative of the Parliamentary deposition is an obvious transcript from the Rolls.

In the 'History of the Life and Reign of Richard II.'<sup>1</sup> by an anonymous monk of Evesham, which extends from the coronation of the King into the early years of his successor, is given a valuable and somewhat artistic picture of the reign. It is brief, but contains information not found elsewhere ; and the writer is not without sympathy for the fallen King. He makes no attempt, for instance, to conceal the indignities heaped upon the captive on his way southward ; nor in his account of Richard's act of resignation does he make mention of the pleased and joyful manner which is usually attributed to him on the occasion.

The 'Chronicle of Adam of Usk'<sup>2</sup> is distinguished by several peculiarities. The author was not a monk, but a secular priest, who was also an eminent lawyer and a man of the world : hence his version has gained in breadth of view.

<sup>1</sup> *Historia Vitæ et Regni Ricardi II.* (Hearne.)

<sup>2</sup> *Chronicon Ada de Usk.* (E. Maunde Thompson, for the Royal Soc. of Literature.)



As a result of his Welsh birth he gives considerable attention to the rebellions of his fellow-countrymen during the first half of Henry the Fourth's reign, though unfortunately he affords no clue to the early career of Owen Glendower. He owed his Oxford education to the patronage of the Mortimers, a debt which he has repaid with a full account of their family history. A similar service is performed for the House of Arundel, owing to his later connection with the degraded Primate. The device of Adam delving, which this writer claims as his crest, would suggest (as Sir E. Maunde Thompson remarks) a quaint vanity in the man and some sympathy with the sermons of John Balle. A genial egotism does indeed frequently appear; but the writer is so shocked by the violence of the rebels, perhaps also by their special antipathy to lawyers, that he omits all mention of the levelling doctrines which were largely responsible for the subsequent scenes of riot and bloodshed. Here he seems to adopt the attitude of the 'Monk of Evesham,' from whom he is believed to have derived the earlier part of his account. This chronicle assumes a special importance for the history of the Lancastrian Revolution, for the author was present, perhaps in some legal capacity, in the Parliaments of 1397, 1399, and 1401: he had followed Henry's march also, in the train of Archbishop Arundel, from Bristol to Chester and probably back to London, where he obtained a seat on the Commission of Doctors appointed to establish the claims of the conqueror to the English throne. Perhaps only his profession had made the writer hostile to Richard, the would-be tyrant, for he soon found himself but a lame adherent of the new dynasty; and there can be no doubt that he was the author of the remarkable letter sent, as he relates, to Henry IV., in which the vengeance of God is foretold for the unhappy land where 'one tyrant will doth serve for law.' The scriptural quotations, with which this epistle is interlarded, are a besetting sin of this chronicler: his reverence for dreams and prophecies is perhaps a reflection of his legal practice in the archiepiscopal court. The manuscript ends abruptly with the year 1404,

owing to the loss of some leaves ; but unless certain late allusions are regarded as subsequent additions, the date of composition cannot be placed before the year 1415. And, unfortunately, the slender record given by Adam of the most important scenes of the Revolution itself, suggests a collection of reminiscences rather than the notes of an observer on passing events.

The French accounts undoubtedly err on the side of partiality for Richard, whose fortunes offered both a resemblance and a contrast to those of Charles VI. Hence, although they may be welcomed as throwing new light on a blurred page of English history, it is difficult to decide how far they should be suffered to amend native testimony. The anonymous 'Betrayal and Death of King Richard of England'<sup>1</sup> and the metrical 'History of Richard, King of England,'<sup>2</sup> by Jean Creton were, perhaps, both published as political manifestoes of the Orleanist party in France, who embraced the cause of the unfortunate prince ; and this supposition is borne out by the number of copies that still exist. Their editors are at issue on the relative merits of the two accounts, but there seems ample reason to suspect that the prose version is far the less ingenuous. While professing to be the relation of one who was an eye-witness, the work has a very strong flavour of romance. It was, however, known to Caxton, Hall, Fabyan, and others, and has thus had great influence in forming the received history of the period : for example, the speech of Bishop Merkes at the time of the accession of Henry IV., well-known from its appearance in Shakespeare's drama, is derived originally from this chronicle. It has been conjectured that the author was the clerk who, Creton tells us, accompanied Bolingbroke from Paris, and who subsequently supplied that writer with an account of recent events in England. This may well have been so, for the narrative of the Parliamentary proceedings at the close of the reign is quite worthless in both cases.

<sup>1</sup> *Chronique de la Traison et Mort de Richard Deux Roy Dengleterre.* (Williams, for the Eng. Historical Soc.)

<sup>2</sup> *Histoire du Roy d'Angleterre Richard.* (Webb, *Archæologica* xx.)

The work of Creton, on the contrary, bears the stamp of sincerity throughout. The writer was sensible of the trammels of metre in treating of his subject, but was probably induced to adopt a poetical form by a desire to win the sympathy, and impress the memory of his readers. Faithful to Richard and confident in the integrity of his cause, he could vent his indignation at the sufferings of the royalists without blinding his judgment to their faults. He is careful to state the source of his account when he has to rely upon the report of others, and 'at the point of his story where words become actions' has recourse to prose in order to preserve the *ipsissima verba* of the speakers. Even his intense patriotism will not be regarded as an unmixed defeat if it be held that 'an infusion of spite' is a desirable element in the work of an historian. The author was a squire in attendance upon a French knight, who had obtained leave from King Charles to repair to the English Court. They accompanied Richard to Ireland, and remained about his person till he returned a prisoner to his capital, though on the way back to Chester they were debarred from further communication with their late associates. Thus the rhyming chronicle of Creton is the chief authority for the last few months of Richard's reign, and the consistency of his character-sketches with the information found elsewhere affords no slight presumption of his general trustworthiness for the period of his sojourn in England and Ireland.

Froissart,<sup>1</sup> the Herodotus of the Middle Ages, is notoriously defective for the history of this reign, and more especially for that of its close. This omission in such an inquisitive historian must be due to sheer lack of information on matters in which, after all, very few persons were immediately concerned, and of which he wrote at a time when communication between France and England was almost entirely interrupted; especially as he had a deep sympathy for the inglorious fall of the great House of Plantagenet, in the person of a sovereign who was the son of the renowned Black Prince and the grandson of his early benefactress,

<sup>1</sup> *Les Chroniques de Sire Jean Froissart.* (Buchon. Paris, 1838.)

Philippa of Hainault ; whose baptism he had witnessed and whose patronage and bounty he himself experienced. But of the Court life of the period, its wars and its tournaments and its luxuries, the great historian of chivalry is, as usual, admirably well informed.

Perhaps Shakespeare's 'Life and Death of Richard II.' presents the enigmatical character of the King more realistically than any other account, for, indeed, genius can sometimes reconstruct character, though it cannot reconstruct events. It appears, however, that the violence of the parting interview of Richard with John of Gaunt is unhistorical, as the Duke was on good terms with his nephew during the last few years of his life. It must be allowed, too, that Shakespeare has misnamed his play, for it is confined to the *fall* of Richard ; and, as M. Wallon observes, 'his picture would have been truer and the emotions produced by the *dénouement* deeper, had he, in order to paint the young King's portrait, entered thoroughly into the spirit of his whole career.' Against this reproach, however, it may be urged that Shakespearean chronology perhaps warrants the belief that the dramatist intended this play less as a presentment of Richard II. than as a necessary introduction to the grand series of historical dramas which was to reach almost to his own age.

An adequate history of the reign of Richard II. still remains to be written. The nearest approach to it is M. Wallon's book published in 1864. He avowedly treats the reign as an episode of the Hundred Years' War, and thus is specially useful for its foreign aspect. But the trustworthiness of some of his domestic history is diminished by an unwarrantable reliance upon the narrative of Froissart, and, as might be supposed, the place of the reign in English constitutional history is hardly touched upon. This deficiency, however, is very amply supplied by the great text-book of Dr. Stubbs, even though he is content to leave the character of the King an unsolved riddle. The researches of Dr. Wylie have furnished many illustrations for this reign, and its financial side will doubtless be accurately established in the forthcoming volumes of Sir Jas. Ramsay's History of England.



# INDEX

---

- ADDISON, contrasted with Shakespeare, 26
- Albi, map of, 93, 108
- America, abuse of athletics in, 18  
— Colonial constitutions in, 59-83
- Andros, Governor, 81
- Antoninus, travels of, 105
- Appellants, the Lords, 125
- Aristotle, Politics of, 1-22  
— his definitions of political creeds, 11-16  
— his opinion of popular judgments, 13, 14, 15  
— his definition of Royalty, 15, 16  
— his *dictum* as to retired councillors, 16  
— his opinion of tyrants, 17  
— on the abuse of athletics, 17  
— his objections to warfare, 19  
— his ideal of the State, 19, 20
- Armenia, pension to the King of, 133
- Articuli cleri*, 47
- Ashburnham, map, the, 109
- Athens, Plato on public opinion in, 13
- Austria, foreign policy of, 116, 117
- Ayremynne, William de, 45
- BALTIMORE, LORD, 78
- Beatus, map of, 93, 109
- Beaumont and Fletcher, their share in Shakespeare's plays, 24
- Bermuda Company, 64
- Board of Trade, establishment of the, 81
- 'Bordeaux Itinerary,' the, 100, 101, 102
- Brabazon, Justice, his contest with the Exchequer Barons, 55
- Burnett, Robert, 48, 56
- Calvin's case, 78
- Campbell v. Hall*, case of, 71, 97
- Canada Act, 82  
— constitution of, 82
- Carlisle, Parliament of, 46  
— Council at, 48
- Carmarthen as Foreign Secretary, 114
- Catherine, the Czarina, 118, 119
- Chancery, Rolls of, 45, 49, 50  
— functions of the, 50, 51, 52, 53, 55  
— under Edward II., 55
- Chichester, Bishop of, 47
- Christian geography, early, 85-111
- Cicero as a philosopher, 8
- Clancy, John de, 48, 51
- Cobeham, Henry de, 49
- Coke, Sir Edward, 61
- Colonial institutions, early, 59-83
- Colonies, American, early constitutions of the, 59-83  
— English methods of government in, 60, 61, 81, 82  
— English, constitutional cases affecting, 78, 79, 80  
— Secretary of State for the, 81
- Comte, Auguste, his *dictum* as to Aristotle, 2
- Congreve, Dr. Richard, edition of Aristotle by, 29
- Connecticut, constitution of, 78
- Constantinople, early descriptions of, 98

Constantinople, the key of, 118  
 Cosmas, 'Topography' of, 93, 105,  
 106  
 — voyages of, 97, 106

DALE, SIR T., 65  
 Dantzig, cession of, 118  
 Democracy, Aristotle's definition of,  
 11  
 Dicuil, geography of, 93  
 Dispenser, Hugh le, 48  
 Dodderidge, Solicitor-General, 61  
 Domesday Book, 41  
*Dutton v. Howell*, case of, 79

EATON, MR., edition of Aristotle by,  
 1, 2  
 Edward I., importance of the exchequer  
 due to, 57, 58  
 Ellesmere, Lord Chancellor, 61  
 Equality, Aristotle's definition of, 11  
 Eucherius, Bishop of Lyons, 'Topo-  
 graphy' of, 104  
 Europe, foreign policy of, during Pitt's  
 ministry, 111-120  
 Exchequer under Norman kings, 41  
 — records of the, 41, 42, 48, 49, 50,  
 53, 54, 55  
 — officers of the, 42  
 — development of the, 43  
 — under Edward II., 48-54  
 — appointment of Sheriffs by the, 49,  
 50  
 — rivalry of with the Chancery, 49-55  
 — extraordinary jurisdiction of the, 54  
 — unpopularity of the, 57  
 — under Edward I., 57, 58  
 Exeter, Bishop of, 47

FALSTAFF as a Lollard, 39  
 Fletcher. *See* Beaumont and Fletcher  
 Forests, perambulations of, 47  
 French Revolution, influence of the,  
 112, 120  
 Fulthorpe, Justice, case of, 138

GARLAUNT, WILLIAM, case of, 50  
 Gates, Sir T., 61  
 Gaunt, John of, his influence over  
 Richard II., 123  
 Geddinges, Walter de, 49  
 Geography, early works on, 93  
 Georgia, colony of, 64  
 Gloucester, Thomas of Woodstock,  
 Duke of, 125, 127, 128  
 Gregory of Tours, 96, 97, 100  
 Greifswald, Professor von, his work on  
 Aristotle, 4  
 Grenada, case of the colony of, 71,  
 72  
 Grey, Reginald de, 54  
 Guido, geography of, 93  
 Guldeford, Master Peter de, 49

HALL, his influence on Shakespeare,  
 23, 30  
 Haxey, case of, 126, 128  
 Helena, the Empress, pilgrimage of,  
 99, 100, 102  
 'Herbarius,' The (1486), 9  
 Hereford, map of the world at, 95  
 Hereward, Robert, 49  
 Herodotus, his historical method, 27  
 Hertzberg, Count, 116, 117  
 Hicks, Mr., translation of Aristotle by,  
 4,  
 Hilaire, M. Barthélemy St., translation  
 of Aristotle by, 7, 10  
 Hobbes, as a philosopher, 8  
 Holinshed, his influence on Shakes-  
 peare, 23, 30  
 Holland, Triple Alliance with, 114, 115

INGE, WILLIAM, 46, 47  
 Ireland, plantation of, 60, 61  
 — Poynings' law in, 60  
 — Wogan's Parliament in, 60  
 Isocrates, his influence on Aristotle, 7

JAMAICA, case of the colony of, 71  
 Jerusalem, pilgrimages to, 99, 100

Jonson, Ben, contrasted with Shakespeare, 26

KAUNITZ, PRINCE, 114  
King's Bench in conflict with the Exchequer, 55, 57

LANCASTER, EARL OF, 47, 48  
Langton, Walter de, 56, 57, 58  
Lee, John de la, 49  
Levant, pilgrimages to the, 99-107  
Lincoln, Dean of, 46  
— Parliament of, 41-58  
London, City of, in opposition under Richard II., 127  
'London,' map of the world, 109

MACHIAVEL as a philosopher, 8  
Maine, Sir H., his theory of democracy, 15  
Maryland, constitution of, 78  
Massachusetts, early constitution of, 59, 60, 72-83  
— charters of, 72, 73, 76, 81  
— company of, 73  
— legislative assembly of, 73  
— laws of, 73, 74  
— Governor of, 74, 75, 76  
— Council of, 75  
— religion in, 76, 80  
Montesquieu, as a philosopher, 8  
More, Sir Thomas, his influence on Shakespeare's historical plays, 30

NAVIGATION Acts, 60, 75, 80  
Newfoundland, case of, 79  
Newman, W. L., study of Aristotle by, 6, 7  
Norton, Prof. E. C., on athletics, 18  
Norwich, Walter de, 46  
— Bishop of, 47

OCZAKOW, cession of, 118, 119  
Ordinances under Edward II., 47, 48

Oxford, provisions of, 50, 51  
Oxylus, his law as to alienation, 16

PALESTINE, pilgrimages to, 99-102, 104, 105

Parliament, Rolls of, 45, 56  
— peers and members of, 46  
— proceedings in, 47, 48  
— wages of members of, 47  
— of Lincoln, 41-58  
— of Carlisle, 46  
— of York, 48

Pilgrimages, early Christian, 85-111  
— origin of, 87  
— itinerary of, 100

Pipe Rolls, 41, 42, 43

Pitt, foreign policy of, 111-120  
— — towards Russia, 118, 119

Plato, compared with Aristotle, 5, 6, 7  
— St. Hilaire's eulogium on, 8

Plutarch, compared with Shakespeare, 27

Poland, position of, 117

Polish Partition, effects of the, 112, 118, 119, 120

Political science, definition of, 3

Politics, popular judgment on, 13

— the true method of study of, 21, 22

Polybius, as a philosopher, 8

Popham, Chief Justice, 61

Property, Aristotle's definition of, 12

Prussia, foreign policy of, 114-120

Pythagoras, his influence on Plato, 7

RALEIGH, SIR WALTER, 29

Reichenbach, convention of, 117

Rhode Island, constitution of, 78

Richard the Redeless, 121-154

— character of the reign of, 121, 122, 146, 147

— his early training, 122, 123, 136

— divisions of the reign, 124-129

— principal events of the reign of, 124-129

— associates of, 136-138, 146

— councillors of, 127, 131, 132, 146

- Richard the Redeless, consorts of, 128,  
139, 140  
— expenditure of, 129, 130, 133, 142,  
143  
— loans of, 129, 130  
— extravagance of, 129, 133, 134, 142,  
143, 145  
— pensions granted by, 133, 134  
— violation of justice by, 132  
— his uncles, 123, 125, 127, 128, 136,  
137  
— taxation under, 130  
— his violence, 132, 137, 138  
— his religiousness, 140  
— his culture, 141, 142  
— his tastes, 141-143, 144  
— his guards, 131, 135, 136  
— portraits of, 123  
— death of, 143-145  
— authorities for the reign of, 147-154  
Rousseau, as a philosopher, 8  
Russia, foreign policy of, 112-120
- ST. PAUL'S, state of the church of, 141  
St. Sever, the map at, 95, 109  
Salisbury, Bishop of, 47  
Sandale, John de, 46  
Sandwich, Ralph de, 49  
Sandys, Sir Edwin, 65, 70, 71  
Scott, Sir Walter, his historical charac-  
ters, 26, 29  
Seeley, J. R., 111  
Shakespeare, as an historian, 23-41  
— his value as an authority for history,  
24, 25  
— his anachronisms, 25, 26  
— his historical method compared with  
ancient and modern writers, 26, 27  
— his historical characters, 28, 29  
— his sources of historical information,  
30-41  
— his characters of English kings,  
32-36  
— his Lancastrian proclivities, 30-34  
— his use of Colonial adventure, 37  
— his attitude towards religion, 38-40  
— plays of, 34  
— — Henry VI., 23, 24, 28, 32
- Shakespeare, plays of, Henry VIII.,  
24, 31, 33, 38  
— — King John, 24, 25, 35, 36, 38, 40  
— — Henry V., 25, 32, 34, 36, 37  
— — Antony and Cleopatra, 26, 40  
— — Richard II., 28, 31, 32, 34, 35  
— — Henry IV., 28, 31, 34  
— — Julius Cæsar, 28, 37, 40  
— — Richard III., 31, 34  
— — Hamlet, 37, 39  
— — All's Well that Ends Well, 38, 40  
— — Romeo and Juliet, 39  
— — Timon of Athens, 39  
— — Lear, 40  
— — Othello, 40  
Sheriffs, statute of, 47, 48  
— appointments of, 49, 51, 52  
Silva of Aquitaine, pilgrimage of,  
102, 103  
Smith, Sir T., 63, 70  
*Smith v. Brown*, case of, 79  
Socialism, Aristotle's definition of, 11,  
12  
Socrates, his influence on Plato, 7  
— compared with Aristotle, 5, 6, 7  
Spinoza, as a philosopher, 8  
Stow, his influence on Shakespeare, 30  
Stratton, Adam de, 52  
Susemihl, Professor, edition of Aristotle  
by, 4
- TENNYSON, historical plays of, 26  
Theodosius, description of Palestine by,  
105  
Theophrastus, account of plants by, 9  
Thorn, cession of, 118  
Travel, mediæval, 85-111  
Triple Alliance (1788), 114-120  
'Turin,' map of the world, 109  
Turkey, Russian policy towards, 115,  
116, 117
- Vetus Codex*, 56  
Virginia, articles for the government of,  
62, 81  
— company of, 63, 64, 70, 71, 73  
— Council of, 63, 64, 69, 71, 72



Virginia, laws of, 65, 67, 75, 79  
 — Legislative Assembly in, 65-69, 72  
 — Governor or Treasurer of, 65, 70, 72  
 — early constitution of, 60, 82  
 — first English colony in, 61, 70, 71,  
   72  
 — charters of, 61, 62, 63, 64, 71  
 Voyages, early, 97, 99, 102, 103, 105

WARDE, CAPTAIN, 66

Welldon, Mr., translation of Aristotle  
 by, 4

Westminster Abbey, rebuilt by Richard  
 II., 14  
 — Hall, rebuilt by Richard II., 141  
 Willoughby, Philip de, 49  
 Winchelsea, Archbishop, 57

XENOPHON, his influence on Plato, 7

YARDLEY, SIR GEORGE, 66

York, Parliament of, 48  
 — mint at, 55



# Royal Historical Society,

115 ST. MARTIN'S LANE, W.C.

January 15, 1896.

## REPORT OF THE COUNCIL.

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SESSION 1894-95.

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THE Council of the Royal Historical Society present to the General Meeting of the Fellows their Annual Report. The past Session opened with an impressive Commemoration, inaugurated by this Society, of the centenary of the death of the great English Historian, Edward Gibbon, which took the form of an interesting exhibition of MSS., printed books, portraits, and relics at the British Museum, and an Address, delivered by Mr. Frederic Harrison at the Ordinary Meeting on November 15, 1894. The proceedings of the Gibbon Commemoration have been published by the Royal Historical Society in a separate volume, which was distributed to the Fellows last year. The President delivered his Annual Address on February 21.

The following Papers were read and discussed at the Ordinary Meetings of the Society during the past Session :—

‘Presidential Address.’ By the Right Hon. Sir Mountstuart E. Grant Duff, G.C.S.I., President.

A Speech delivered by the Right Hon. Sir M. E. Grant Duff, G.C.S.I., Pres. Roy. Hist. Soc., Chairman of the Gibbon Commemoration Meeting, November 15, 1894.

An Address delivered November 15, 1894, on the Occasion of the Gibbon Centenary Commemoration. By Frederic Harrison.

‘The English *Nouveaux-Riches* in the Fourteenth Century.’ By Alice Law.

‘Alien Merchants in England in the Fifteenth Century.’ By Montague S. Giuseppi, F.S.A., F.R.Hist.S.

‘The Gild Merchant of Shrewsbury.’ By the Rev. Prof. W. Cunningham, D.D., LL.D.

‘Exploration under Elizabeth, 1558-1603.’ By C. Raymond Beazley, M.A.

- ‘The Tudors and the Currency, 1526-1560.’ By C. W. C. Oman, M.A., F.S.A.
- ‘The Monetary Movements of 1600-1621 in Holland and Germany.’ By W. A. Shaw, M.A., F.R.Hist.S.
- ‘Walter of Henley.’ By the Rev. Prof. W. Cunningham, D.D., LL.D.
- ‘Journey through England and Scotland made by Lupold von Wedel in the Years 1584 and 1585.’ Translated from the Original Manuscript by Dr. Gottfried von Bülow, Superintendent of the Royal Archives in Stettin.
- ‘Progress of Historical Research, 1895.’

The high standard of historical work attained in the recent volumes of the *Transactions* has been maintained in the last volume, which was favourably received by distinguished scholars at home and abroad. The *Transactions* of this Society now take a recognised place amongst works of historical research.

Considerable progress was made with the Publications referred to in the last Report of the Council, but the discovery of new and important MSS. of Mr. Leadam’s text of the ‘Inquisitions of 1517,’ and the great labour and difficulty of passing the work through the press, has delayed the issue of the work to the Fellows. The whole of this important volume has now been printed off with the exception of the Historical Introduction, and it will be issued at an early date. Mr. B. F. Stevens has also made considerable progress in preparing for the press a volume based upon the original accounts of the secret service expenditure of George III. The text of two further volumes has been transcribed, and arrangements have been made for their publication with as little delay as possible. The volumes in question will contain selections from the English military and diplomatic correspondence relating to the great European coalition against Napoleon between the years 1802 and 1807, and family letters and accounts illustrating the private and commercial life of the English Merchants of the Staple at Calais at the close of the Wars of the Roses.

#### THE SOCIETY’S MEETINGS AT JERMYN STREET.

The Council have to report that they have been able to continue the arrangement with the authorities of the Museum of Practical Geology by which the Meetings are held in the Theatre.



After careful consideration the Council decided to change the hour at which the Ordinary Meetings of the Society were formerly held, from 8.30 P.M. to 4.30 P.M. Whilst it would probably be found impossible to suit the convenience of every Fellow, the Council felt justified, owing to the marked falling off in the attendance at the Evening Meetings during the previous Session, in recommending a change which greatly facilitated the important executive work of the Society. And the crowded attendance at the first Meeting of the Session clearly indicated that an After-noon Meeting was not prohibitive to a very considerable number of the Fellows.

At the end of the past Session it was found possible to advance the hour of the Ordinary Meeting to 5 P.M., without curtailing the papers or discussions.

#### THE SOCIETY'S LIBRARY AT ST. MARTIN'S LANE.

The Librarian reports that 309 books and pamphlets have been added to the Library during the year ended October 31, 1895, bringing the number of the books in the Library up to 3,223. Of the additions, 79 volumes were acquired by purchase and the rest, 190 volumes and 40 pamphlets, were presented. The Colonial Secretary to the Government of the Cape of Good Hope has, on the recommendation of the Hon. George Theal, a corresponding member of the Society, directed that all historical publications issued by the Cape Government shall, in future, be presented to the Library.

#### THE LIST OF FELLOWS.

The following abstract shows the number of Fellows on the Roll on October 31, 1895 :—

Ordinary Fellows	.	.	.	.	.	.	.	350
Life do.	.	.	.	.	.	.	.	91
Ex-officio do.	.	.	.	.	.	.	.	
Honorary do.	.	.	.	.	.	.	.	55
Corresponding Members	.	.	.	.	.	.	.	25
Total	.	.	.	.	.	.	.	<u>522</u>

This reduction in the number of Fellows must not be regarded as a falling off in the position of the Society. On the contrary, it

is a sure sign of increased activity and a more vigorous administration, the increased value of the publications of the Society having rendered it absolutely necessary, in justice to the whole body, to strike off the Roll the names of those Fellows more than three years in arrear with their subscriptions, and who might otherwise have been entitled to receive a volume of *Transactions*, which has a steady sale at a guinea.

The Council have also taken steps to ascertain if the whole number of Honorary Fellows and Corresponding Members on the Roll are still available and efficient. Extensive inquiry has revealed a large number of deaths not previously reported, and, as a result of this inquiry, it has been possible to prepare a revised list of Honorary Fellows and Corresponding Members. In order to fill some of the vacancies thus created, the Council elected the following distinguished scholars as Honorary Fellows :—

Prof. Theodor Mommsen (*Berlin*),  
Prof. Gabr. Monod (*Paris*) ;

and as Corresponding Members—

Dr. Wm. Busch (*Freiburg*).  
Dr. G. von Bülow (*Stettin*).  
Count Ugo Balzani (*Rome*).  
Prof. P. Villari (*Florence*).  
Prof. Vinogradoff (*Moscow*).  
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Hon. Geo. Theal (*Cape Town*).  
Prof. W. J. Ashley (*Harvard*).  
Prof. Charles Gross (*Harvard*).

In addition to the above, the Council have elected as Honorary Life Fellows under Bye-law xiii. two scholars distinguished for their services to historical research, Messrs. C. H. Firth and R. L. Poole, both of Oxford University.

In accordance with Bye-law xxxiv., the Council have, since the date of the last Anniversary Meeting, filled up vacancies which occurred in the Council by the following nominations :—

Dr. S. R. Gardiner and Mr. H. E. Malden to be Vice-Presidents and Mr. Oscar Browning and Mr. J. P. Wallis to be Members of Council.

Amongst the deaths of Fellows notified since the date of their last Report, the Council have to mention with especial regret the loss which the Society has sustained by the deaths of Mr. Hyde Clarke, a vice-president, and Signor Tito Pagliardini, a member of the Council.

The Council append to their Report a Prospectus of the Objects of the Society and other information.

They also append the Treasurer's statement of the financial position of the Society from November 1, 1894, to October 31, 1895.

# BALANCE SHEET

For the year ending October 31, 1895.

	£	s.	d.	£	s.	d.		£	s.	d.
To Balance brought forward	.	.	.	182	19	7	By Secretary and Director and Hon. Secretary	.	.	119 10 0
„ Subscriptions for year 1893	.	.	.	6	6	0	„ Clerk	.	.	37 12 6
„ „ 1894	.	.	.	37	16	0	„ Petty Expenses	.	.	20 19 1
„ „ 1895	.	.	.	436	17	0	„ Transcribing	.	.	37 14 0
„ „ 1896	.	.	.	12	12	0	„ Printing and Stationery	.	.	237 14 0
„ Sale of Publications	.	.	.	493	11	0	„ Societies' Subscriptions	.	.	12 9 0
„ Allowance for spoilt Stamp	.	.	.	13	19	0	„ Rent	.	.	7 15 6
	.	.	.	3	12	3	„ Indexing	.	.	11 11 0
	.	.	.				„ Bank Charge and Commissions	.	.	1 1 6
	.	.	.				„ Treasurer's Postages (2 years)	.	.	2 9 8
	.	.	.				„ Books and Periodicals	.	.	2 11 0
	.	.	.				„ Advertising	.	.	4 11 6
	.	.	.				„ Copying Presses	.	.	3 3 0
	.	.	.				„ Balance at London and South-Western Bank	.	.	499 1 9
	.	.	.					.	.	195 0 1
	.	.	.					.	.	£694 1 10

## CAPITAL OR RESERVED FUND ACCOUNT.

	£	s.	d.		£	s.	d.
To Balance brought forward.	.	.	.	By £300 Consols, 2½ %	.	.	304 11 0
„ Dividends on Consols (5 quarters)	.	.	.	„ Deposit at L. and S.-W. Bank	.	.	78 2 1
„ Interest on Deposit.	.	.	.	„ Accrued Interest	.	.	34 19 8
	.	.	.		.	.	113 1 9
	.	.	.		.	.	£417 12 9

R. HOVENDEN, *Treasurer.*

We have compared the entries in the books with the Vouchers from November 1, 1894, to October 31, 1895, and find them correct, showing the receipts to have been £694. 1s. 10d. (including £182. 19s. 7d. brought forward), and the payments to have been £499. 1s. 9d., leaving a balance on October 31, 1895, of £195. 0s. 1d. in favour of the Society.

R. DUPPA LLOYD,  
J. FOSTER PALMER, } *Auditors.*  
B. F. STEVENS,

December 1895.







# Royal Historical Society.

(INCORPORATED BY ROYAL CHARTER.)

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